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REPORT

OF THE

INDUSTRIAL COMMISSION

ON THE

CONDITION OF FOREIGN LEGISLATION UPON MATTERS AFFECTING GENERAL LABOR.

VOLUME XVI

OF THE COMMISSION'S REPORTS.

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[Extract from act of Congress of June 18, 1898, defining the duties of the Industrial Commission and showing the scope of its inquiries.]

SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

SEC. 3. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.

INDUSTRIAL COMMISSION,
December, 1901.

To the Fifty-seventh Congress:

I have the honor to transmit herewith, on behalf of the Industrial Commission, a report on the subject of the Condition of Foreign Legislation upon Matters Affecting General Labor, prepared in conformity with an act of Congress of June 18, 1898.

Respectfully,

ALBERT CLARKE,
Chairman.

REPORT

ON THE

CONDITION OF FOREIGN LEGISLATION UPON MATTERS AFFECTING GENERAL LABOR.

Prepared under the direction of the Industrial Commission by
FREDERIC JESUP STIMSON,
Advisory Counsel to the Commission.

PREFATORY NOTE.

It has been deemed wise to prepare this report upon foreign labor legislation so as to be identical in form and arrangement with the report on general labor legislation of the States and Territories of the United States, the object of the commission being primarily to compare our legislation with foreign legislation on the subject, topic by topic, so that it may be precisely seen in what matters the legislation of other countries exceeds ours, either in scope or in bulk, upon each respective topic; in what countries there is found legislation existing, whether different or similar, upon each topic, respectively; and, finally, in what countries the legislation of the States and Territories of the United States has made a beginning in matters where the legislation of other countries has not as yet followed. Each of the three cases is instructive, both to the statesman and to the general reader, and each fact has a direct bearing upon the advisability of similar legislation, or of not legislating, in the States of the Union, or, in cases to which the power of Congress extends, by Congress itself.

As the object of the commission in making this report is not to state and cite the actual laws themselves, but rather to give a general view of the nature of corresponding legislation in other countries; and as, moreover, the time before the commission absolutely precluded detailed reference to the laws themselves, full use has been made of the very careful reports made by the Department of Labor in its recent monthly bulletins, under the direction of Prof. W. F. Willoughby. In some cases his digests have merely been rearranged for purposes of this report; in many cases, where full statement did not seem necessary, the analyses found in this report have been based upon them.

The second general source of the legislation herein contained is the series of annuals prepared by the Belgian Government upon general labor legislation, the "Annuaire de la Législation du Travail." The citation of the law itself has nearly always been given, so that the

reader may see the original acts in the official volumes of the foreign government in question, should such be procurable. A few more important laws not found or not fully set forth in the Belgian annual or in the United States Labor Bulletins have been taken direct from the original sources, notably, the employers' liability act and workmen's compensation act of Great Britain, the labor code (Gewerbeordnung) of Germany, and the various State compulsory assurance systems, recently enacted in continental countries for insurance of the laboring and salaried classes against old age, disease, or disability. For the same reason a full statement has been given of the New Zealand old-age pension act. On the other hand, the mining laws of foreign countries have not generally been set forth in this report for the reason specified in Chapter V, below; and the report is necessarily deficient in other matters not generally considered as part of labor legislation in other countries, and consequently not found in the labor codes and above-mentioned authorities.

The countries whose labor legislation is fully or partially set forth in this report comprise, usually in the order named, the following: Great Britain, France, Germany, Belgium, Holland, Austria, Switzerland, Italy, Russia, Norway, Sweden, Denmark, and Roumania (there appears to be practically no labor legislation in Spain, Portugal, and Greece), and in Australia, New South Wales, Victoria, South and West Australia, and Queensland, New Zealand, and the Dominion of Canada. For obvious reasons it has not seemed wise to go into the legislation of uncivilized or unchristian countries, nor into that of India or other colonies or dependencies of civilized nations where the people are generally of a different race.

As was perhaps to be expected, not many subjects will be found in which the legislation of any country upon subjects of interest to labor exceeds in bulk and detail the aggregate of that of the American States and Territories. It may be well to note a few of the important differences, as well as a few of the subjects their legislation has considered which are not as yet touched upon by that of the United States or the States and Territories of the Union. Among such latter may be mentioned, first in order, the great state insurance systems above mentioned found in some European countries and some of the Australian colonies, but not as yet in Great Britain; second, the great guild system of Germany, corresponding not only to the legislation of our States upon trade unions, but establishing a system far more complex and elaborate, nearly as much so, perhaps, as the medieval guilds which were abolished in France by the revolution of 1789, and in England by a series of court decisions and statutes beginning as long ago as the time of Queen Elizabeth and finally terminating only in the present century. If the German system is to be adopted in this country so that the power of collective contract is given solely and exclusively to labor organizations, it will be a return not only to continental conditions, but to conditions existing in their perfection many centuries ago. But in modern Germany guild legislation includes much more than this; for instance, the entire system of apprenticeship, as well as a great deal of the legislation upon affairs which would in this country be managed by voluntary organizations, such as mutual benefit societies, building and improvement societies, funeral societies, mutual insurance societies, etc.

Apprenticeship, too, is another subject upon which continental legislation—even modern legislation—is far more precise and definite

than ours, or even than the English law. The tendency with us has been to abolish the apprentice laws entirely, or at least for the laws to fall into disuse and the general matter of apprenticeship, both in the way of control and instruction, to be thus dependent on the action of the trade unions.

The fourth matter in which the legislation of continental countries far exceeds ours in elaboration is what with us we should call the factory acts; and also legislation regulating shops, hours of labor, sweat-shop employment, etc. And finally there is an elaborate system of arbitration or interference by the State in labor disputes, found in its perfection in France and Belgium, but more or less also in other European countries, as well as in the Australian colonies. The various chambers of commerce (if we may so translate the phrase), the conseils des prudhommes, or permanent arbitrators, appointed partly by the state through its municipalities, partly elected by the workingmen themselves, all these bodies function in a way unknown to Anglo-Saxon systems. In all these matters at least one or two of the exemplary laws is given in much detail, by way of sample; usually the most complex and perfect system has been chosen, while the corresponding laws in other countries are, for reasons of space, more briefly mentioned.

The matters in which there is no legislation in countries other than our own require little comment here, though, as has been said, the fact itself will be suggestive enough when we come to the various chapters and sections concerning them. Yet it seems worth while here to note the general absence of any political protection to the laborer; the usual absence of any special legislation for certain classes of labor, as, for instance, railway employees; the absence of statutes against combinations by employers, blacklisting, etc., and of statutes directed against strikes, boycotts, or other combinations of employees, though the reason of the latter probably is that such matters in European countries are usually left to the summary and irresponsible action of the police or military authorities. Blacklisting, however, is made impossible where, as in some European countries, every workman is furnished with an official pass book wherein the employer must write the date and reason of his discharge. This curious system, by the way, under which every workman is registered and ticketed off, like a convict serving time, however admirable in practice, is entirely unsuited to the ideas and tastes of the American workman.

As was said at the beginning, the chapters, articles, and sections of this report correspond exactly to the chapters, articles, and sections of the report upon American legislation (Reports of the Industrial Commission, 1900, Volume V, pages 1 to 165). It has, however, been necessary to add one entirely new article, viz, Chapter XII, Article C, at the end of this book, upon State insurance or compulsory assurance of the working and salaried classes, and occasionally extra sections will be found.

FREDERIC JESUP STIMSON.

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REGULATION OF THE LABOR CONTRACT.

ART. A. AS TO GENERAL FORM, TIME, TERMINATION, ETC.

SEC. 1. GENERAL CONSTITUTIONAL PROVISIONS CONCERNING LABOR.

It is important to remember that the whole principle of English and American labor law is based upon freedom of contract; quite the contrary in continental countries. In France, indeed, the Revolution, amidst the rejoicings of the people, abolished forever the restrictions of trade guilds; but in other countries, where the government does not interfere, the trade guilds, or, as we should say, unions, present insuperable obstacles to anyone engaging in their industry who is not a member of or has not gone through the apprenticeship required by the appropriate guild. In fact, in Germany an elaborate attempt has been recently made to reintroduce the whole guild system made over from its mediæval form to suit modern conditions.

In France the decree of March 2, 1791, provided that every person "shall be free to engage in such an enterprise or exercise such profession, art, or trade as he may desire." There are, however, certain restrictions as to professional employment, and foreigners must register at the mayor's office before engaging in any industrial or commercial work. (See law of August 8, 1893.)

SEC. 2. THE LABOR CONTRACT.

In *France* the labor contract is subject to the ordinary rules of the law concerning contracts and can be made in such form as the parties desire, and any person who hires out his services can at the expiration of the contract require his employer to furnish him with a certificate showing exclusively the date of his entrance into his service, the date of his departure, and the nature of the work. (Law of July 2, 1890.)

Switzerland.—French Switzerland profited by the abolition of guild privileges and monopolies decreed by France in 1791. In the remainder of Switzerland the same result was only gradually accomplished. The political powers of the guilds were abolished early in the present century. Their economic functions, however, were in many cases allowed to remain, although the character of the guilds as close corporations with restricted membership was in all cases changed.

The requirement that all persons carrying on a handicraft trade on their own account or employing journeymen or apprentices should be

members of a guild was generally in force until 1830, and was not wholly done away with at that time. The constitution of Schaffhausen, adopted in 1831, thus expressly provided for such obligatory membership. The tendency, however, was toward freedom. In 1832 Zurich and St. Gall promulgated ordinances in which obligatory membership in a guild was limited to certain specially enumerated handicraft trades, and that of St. Gall further limited this obligation by making it dependent upon the majority vote of the masters in the districts concerned. This decision, moreover, was not binding for more than 4 years. In the same year (1832) Thurgau repealed her obligatory guild ordinances. In the following year (1833) Zurich began the policy of relieving particular trades from the obligation of compulsory guild membership, which was continued until in 1837 all trades were free. Compulsory guilds were abolished by Lucerne and Soleure in 1834 and Basel Land in 1840. By 1860 guilds were free in Aargau. Compulsory guilds remained the longest in Basel Town. The constitution of 1847 of that Canton provided that guilds could not be made free by legislation, and compulsory guilds, therefore, remained until the adoption of the federal constitution in 1874.

For the most part the old guild ordinances were abolished without any laws being enacted to take their place, though there are some exceptions to this statement. All of these, however, and all vestiges of the guild system remaining were swept away by the first part of article 31 of the federal constitution of 1874, which declared that "the freedom of trade and industry throughout the whole extent of the confederation is hereby guaranteed." The only exceptions permitted by the constitution were those relating to the State monopoly of the manufacture of salt and tobacco and those resulting from customs duties and certain other federal taxes. Guilds and trade organizations, so far as they remained, were henceforth subject to the general law regarding obligations and duties of 1883.

There is no federal law specially regulating labor contracts. Such contracts are subject to the general law concerning contracts, except in so far as special provisions concerning this subject have been incorporated in the federal factory law and the protective labor and other laws enacted by the individual Cantons. (Willoughby.)

Germany.- Germany differs from England and France in that the old guild system was never absolutely done away with, but lasts, with modifications to suit modern conditions, down to the present time. Indeed, the recent legislation of trade guilds resembles more closely the regulations of the mediæval guilds than anything that can be found elsewhere, only that the element of monopoly is abolished and the guilds are made open to all persons possessing the proper qualifications.

The edict of October 9, 1807, abolished serfdom in Prussia and made free the right to possess land. The circular of December 26, 1808, proclaimed the right of citizens freely to engage in such occupations as they desired. Exclusive privileges to conduct certain trades and industrial monopolies were gradually abolished by subsequent orders. November 2, 1810, a law was passed which made the exercise of a trade conditional upon securing a "patent" from the Government, but this could not be refused to anyone producing a certificate of good conduct. For certain trades conducted under dangerous conditions or where special knowledge was required, a special authorization was necessary. The law of May 30, 1820, however, removed this obligation of obtaining a patent.

This movement for the freeing of industry was consummated in 1845 by the enactment of the very important general labor code (*Gewerbeordnung*) of January 17 of that year. The character and significance of this act is described by M. Morisseaux, as follows:

This law was the first act the provisions of which applied uniformly to all the provinces of Prussia. It was the result of 10 years' study and investigation by an official commission and various public bodies. It confirmed and extended industrial liberty and removed in all the provinces of the Kingdom a large number of restrictions which were still contrary to this principle. It subordinated the exercise of a trade only to the possession of the necessary aptitude for its prosecution, to a fixed domicile, and to a declaration to the local authorities. In exceptional cases only, where special intelligence was required or the industry was dangerous to the public, were special authorizations required. The law enumerates these dangerous or unhealthy trades, and the special conditions regulating their prosecution. Finally, all the old industrial privileges, including those consequent upon the ownership of land, the right of granting monopolies which certain authorities still retained, the right to sell in the city and environs (*Bannrecht*) to the exclusion of strangers, the prohibition of the right to exercise several trades simultaneously, the monopoly of exercising certain trades until then reserved to the cities—all these privileges, all these rights, the remnants of old legislation, and already in part suppressed by the laws of 1810 and 1811—were completely swept away.

Sec. 3. Statutes Making General Definitions in Labor Matters.

GERMANY.

Germany has a general code (*Gewerbeordnung*) of labor laws. The federal constitution adopted July 26, 1867, gives the central government of the North German States power to enact general industrial regulations, and the code so adopted was extended to the South German States as well, and in 1889 to Alsace-Lorraine. This code in general provided for a free industrial system similar to that of Great Britain, but has been somewhat limited since by the Government restoring power to the trade guilds. This regulation, says Professor Willoughby, was mainly due to the rapid growth of the factory system after the war with France and the corresponding decline in importance and dignity of the old handicraft trades and trade guilds. The law of July 18, 1881, just stops short of establishing the principle of compulsory guilds, but it gives voluntary guilds a very privileged position, having powers over matters such as apprenticeship, applying even to workingmen outside the guild and vested with authority to maintain aid funds, arbitration tribunals, trade unions, technical schools, etc.

A pass book is not required in Germany, but any workingman can demand a certificate, upon leaving the employment of another person, setting forth the nature and duration of his employment, his conduct, skill, etc. (See chap. 10, sec. 1.)

The provisions of the German Labor Code as amended July 1, 1883, applying to the labor contract are as follows (Grotefend Gesetz Sammlung, vol. 3, p. 640):

Title I.—*General provisions.*

Section 1. The practice of any trade is made free to all except where special exceptions or limitations are imposed by this code, and whoever, at the time of the adoption of this code, is entitled to practice any trade can not be excluded therefrom by the provisions thereof.

Sec. 2. The distinctions between town and country in relation to the practice of any handicraft trade is abolished.

Sec. 3. The simultaneous exercise of different trades or of the same trade in several places is permitted, and there is no restriction upon employees as to the purchase of goods made by themselves.

SEC. 4. Trade and merchant guilds have no right to exclude others from the practice of any trade.

SEC. 5. In the limitation of the practice of single trades which results from the custom tax and postal laws no alteration is made by the present law.

SEC. 6. This labor code does not relate to fisheries, apothecaries, the education of children, or instruction generally, nor to lawyers or employers, nor to insurance agents, railway labor, ferries, or sailors; nor to mining labor, medicine, drug stores, lotteries, stock raising, except so far as the above trades are, respectively, expressly mentioned.

SECS. 7 to 10 repealed generally all local labor restrictions, rules, or ordinances, local taxes or custom dues, local privileges or monopolies, etc.

SEC. 11. The right to the independent exercise of a trade shall in no way depend upon the sex of the person working, and women working independently shall have full legal rights, etc., whether married or unmarried, whether working alone or under the name of another person.

SEC. 12 relegates the law of labor by foreigners to the local laws and leaves untouched the regulations concerning soldiers and government employees.

SEC. 13 provides that the right to labor in any municipality, at any work, shall in no sense depend upon citizenship in that municipality.

TITLE II.—*Stationary businesses.*

I. General provisions:

SEC. 14. Whoever undertakes any independent stationary trade must abide by the local laws of the place where it is established, etc.

II. Trades requiring special license:

SECS. 16 to 54 relate to a great number of special trades, providing special regulations, etc. See in this report Chap. VII, Art. D.

TITLE III relates to migratory trades, peddlers, musicians, etc.

TITLE IV applies to open markets. Section 64 makes the selling and buying in yearly, monthly, or weekly markets free to all.

TITLE V relates to taxes.

TITLE VI relates to the trade guilds.

I. Existing guilds, sections 81 to 96.

II. Applies to new guilds, sections 97 to 104.

TITLE VII applies to apprentices and under workingmen generally.

TITLE VII.

This long title, sections 105 to 139, applies generally to the regulation of workingmen of all kinds.

I. General relations:

SEC. 105. The settlement of relations between independent employers of labor and their employees is generally made the subject of free contract.

SEC. 105a provides that employers can not generally work their help on Sundays or holidays, and sec. 105b specifies the holidays of certain professions.

SEC. 105c covers the exceptions of works which by necessity or obvious interest must be conducted continuously and the following sections down to 105i include the special provisions for Sunday and holiday work.

SEC. 106. Heads of industries who have not acquired the rights of a freeman of the town, until they do so, are prohibited from the employment or instruction of workmen under the age of 18; but the police authorities have authority to release them from this restriction.

SEC. 107. Minors as a general rule can only be employed when furnished with pass books to be provided by the employer. He is required to keep them during employment and return them upon discharge with the proper entries. The books should be delivered back to the father or guardian of the minor if he or she be under the age of 16. The foregoing provisions have no application to children who are still of an age for compulsory schooling.

SEC. 108 provides that this pass book is furnished by the police authorities of the workman's last permanent place of residence.

SEC. 109 provides for the issuing of a new pass book in place of one used up, lost, or destroyed.

SEC. 110. The pass book must contain the name, place, year and day of birth of the worker, the name and last place of residence of his father or guardian, and the signature of the workman.

SEC. 111 provides that upon entering employment the employer must enter in the pass book the date of beginning the occupation, the nature of the employment, and

at the end the date of discharge and the nature of the latest employment if different. These entries must be made with ink, and no private mark must be made which is to be construed favorably or unfavorably to the character of the workman, and the entry of fines imposed and the entry of any opinion as to the conduct or accomplishment of the workman in or upon the pass book is also forbidden, and by sec. 112 the workman in such case or in case of destruction may have a new pass book at the cost of the employer.

SEC. 113. The workman upon his departure may require testimony as to the nature and length of his employment, and also, if desired, as to his conduct and work performed, and the employer is forbidden to make any marks with the object of varying such statements.

SEC. 115. Employers of labor are required to pay the wages of their workmen in lawful money in cash. They may not furnish their employees with any goods upon credit. (See also Art. C, sec. 3.) Nevertheless certain exceptions are allowed, as by the law of 1891. (See Art. C, secs. 3 and 4.) Wages must not be paid in drinking saloons, and all contracts in contravention of these provisions are void.

SEC. 119a. The holding back of wages by the employer in order to insure the proper completion of an object or injury done to tools or materials, etc., must not exceed, in the case of single wage payments, one-fourth of the amount due, or, in continuous employment, the amount of the average week's pay. By statutory provision a municipality or a wider combination of municipalities may provide either for all labor or for specified trades (1) that wages and payments on account of wages must follow at fixed intervals, which shall not exceed one month nor be shorter than one week. (See the law of 1891 as set forth in Art. C, sec. 1, providing that in the case of contract work tools and materials may be furnished at more than their cost price, provided that the price has been previously agreed upon and does not exceed that usually charged in the neighborhood. This higher price is permitted so that the workingmen will be prevented from selling the tools or materials to other parties at a profit.

SEC. 120 provides for school attendance of children under 18, imposing the duty on the employers to see that the laws are complied with. (See Art. B, sec. 8.)

SEC. 120a provides for the general sanitary regulations of private employment. (See Art. D.)

II. The rules of journeymen and helpers or assistants:

SEC. 121 provides that both journeymen and assistants are under the duty in a general way of obeying the orders of their employer as to the work given them, but not to domestic service.

SECS. 122 to 124b apply to the termination of the contract of labor and the damages resulting therefrom. (See the following section.) In a general way the damages are limited to one week, and payment of damages discharges the labor contract entirely.

III. Sections 126 to 133 apply to apprentices. (See Chap. VIII, Art. A.)

IIIa. Sections 133a to 133e apply to the relations between trade officials, workmasters, and experts or technicians. It is difficult to know precisely what is meant by the words thus literally translated.

IV. Relates to factory workmen:

SEC. 134 provides that the provisions of sections 121 to 125, relating generally to the termination of employment, etc. (see above and sec. 5 following.), shall apply to factory employees, or when such employees are apprentices the provisions of sections 126 to 133. The heads of factories in which, as a rule, at least 20 workmen are employed are forbidden to withhold as a penalty for leaving work in breach of contract wages for a greater period than a week. The provisions of section 124b above do not apply to factory laborers.

SEC. 135a. For each factory in which, as a rule, at least 20 workmen are employed rules are to be provided and posted, etc. (See Chap. 4, sec. 1.)

SECS. 135 to 139a provide for the hours of industry of women and children, etc., in factories. (See Art. B, below.)

V. The enforcement and supervision of the following provisions is generally left to the police or municipal authorities.

TITLE VIII applies to benefit societies, aid funds, etc.

TITLE IX provides for the modification of the general law by municipal or local authorities.

TITLE X sets forth the penalties.

The German Civil Code defines the labor contract as follows:

§ 611. By the contract of hiring of services the person who promises service is obliged to render the promised service, and the other party is obliged to the payment of the salary or wages agreed upon. All nature of services may be the subject of the service contract.

§ 612. It is understood that wages are agreed upon to be paid in any case where one has reason to suppose that the service would not have been rendered without payment. If the amount is not fixed it is considered to be the usual wages.

§ 613. In case of doubt, the one obliged to render the services must render them personally, and, similarly, the right to the service may not be assigned to others.

§ 614. Wages must be paid after the services rendered. If the latter is fixed by periods of time it must be paid at the end of each period of time.

§ 615. If the person entitled to the services neglects or makes it impossible to have them rendered, the employee may, nevertheless, require the wages agreed upon without being obliged to furnish the services at a later date; but he must allow for any expense spared him by reason of such failure to render the service, or of any wages received elsewhere.

§ 616, to the same effect, provides that the employee does not lose his right to wages if he is prevented from rendering the services by the person employing him, without his own fault, for brief periods of time, but must, nevertheless, deduct the amount of sickness or accident insurance received, incurred under the State insurance law.

§ 617. In case of permanent service at the employer's domicile, the latter must furnish medical attendance for six weeks in case of illness, but not beyond the period of expiration of the term of service, unless the illness was caused by the negligence, etc., of the employee.

§ 618. The employer must organize and maintain the necessary installation or tools required by the employment, and regulate the conditions of service so that the employee is protected against danger to his life or health, so far as the nature of the service permits; and in case of domestic service the employer has a similar obligation, both as to life or health and morality and religion. These obligations may not be abolished or contracted out by the parties.

§ 620. If the length of the service is not determined or determinable by its nature, either party may put an end to it at will, subject to certain conditions. (See sec. 5.)

THE LABOR CONTRACT.

Title VII of the German Code relates to the contract of labor, and it is somewhat difficult for a student of English law to distinguish the cases to which this title applies, or the previous title of the hiring of services. Title VII is as follows:

§ 631. By the labor contract the employee is bound for the performance of the work agreed upon, and the master is bound to the payment of the wages agreed upon. The object of the labor contract may be either the repairing or changing of a thing, or creation of a thing, or any other result of the letting of services. § 632 as to wages is the same as § 612 in the contract of hiring of services, quoted above.

§ 633. The laborer or undertaker of the work is bound to do it in such sort that the qualities promised shall not be injured by defects which diminish its value or its use for the work intended. Otherwise the master may require such faults remedied, or may remedy them himself and be reimbursed by his employee. § 634 specifies the procedure of such remedy of defects, with provision for rescission of a

contract in certain cases, and damages for delay or otherwise. § 637 provides against contracting out of the law. § 641 provides that wages must be paid when the thing is received, i. e., when the work is done, and until such time the article is at the risk of the workman. § 645 provides against faults of quality in the article itself and delivery to the workman, for which the employer is responsible. § 647 provides that the workman has a lien upon the thing for his work done, as in the English law; and § 648 provides, in the case of building, that the person entitled to such lien may require a mortgage upon the land. § 650 provides that where a contract has been made upon an estimate not guarantied by the contractor, and it is proved that the work can not be performed without considerably exceeding this estimate, the contractor, if the master rescinds the contract for that cause, has only the right provided in § 643 above; that is, he may require what we should call quantum meruit or quantum valebat for his work. As soon as such excess is foreseen the contractor must, however, notify the employer. For the labor of married women, see Art. B, § 9.

FRANCE.

The French Civil Code has the following chapter entitled "*Of the letting of work and industry.*"

§. 1779. There are three principal kinds of letting of work and industry:

1. The hiring of workmen who enter the service of a person;
2. The hiring of carriers, as well by land as by water, who undertake to carry persons or goods;
3. The hiring of contractors for a work on an estimate or by the job.

1. OF THE HIRING OF SERVANTS AND WORKMEN.

§ 1780 (amended by law of December 27, 1890). A person can only bind himself to give his services for a certain time or a special enterprise.

The hiring of services made without a fixed duration can always cease at the wish of one of the contracting parties.

Nevertheless, the cancellation of the contract at the wish of one only of the contracting parties may give rise to damages.

To fix the indemnity to be granted, if there should be reason therefor, the customs, the nature of the services hired, the time elapsed, the amounts withheld, and the payments made in view of a retiring pension, and generally all the circumstances which may justify the existence and determine the extent of the damage caused, shall be taken into account.

The parties can not beforehand renounce the contingent right to claim damages in consequence of the foregoing provisions.

The controversies to which the application of the foregoing paragraphs may give rise when they are brought before the civil tribunals and before the courts of appeals shall be prepared for trial as urgent cases and tried forthwith.

§ 1781. A master shall be believed upon his affirmation—

As to the amount of the wages;

As to the payment of the salary for the year elapsed;

And as to the instalments paid for the current year.[1]

[1] This article was repealed by the law of August 2, 1868.

§ 3. Of Estimates and Jobs.

§ 1787. When a person has charge of carrying out a work, it can be agreed that he will only furnish his work or industry, or that he will also furnish the materials.

§ 1788. If, in case the workman furnishes the materials, the thing is destroyed before being delivered, in whatever manner it may be, the loss falls upon the workman, unless the employer has been given notice to receive the thing.

§ 1789. In case the workman only furnishes his work or his industry and the thing happens to be destroyed, the workman is only liable for his negligence.

§ 1790. If, in the case mentioned in the foregoing article, the thing happens to be destroyed, but not through any fault of the workman, before the work has been received and without the employer having been given notice to examine it, the workman can not claim any wages unless the destruction of the thing is due to the bad quality of the materials.

§ 1791. If the work is for several pieces or by measure, it may be examined by the parties; it is supposed to be finished for all the parts paid for if the employer pays the workman in proportion to the work done.

§ 1792. If the building constructed for a given price is destroyed, wholly or in part, owing to bad construction or even to some defect of the soil, the architect and the contractor are responsible for ten years.

§. 1793 When an architect or a contractor has undertaken to put up a building for a contract price according to plans settled and agreed upon with the owner of the land, he can not ask for any increase in the price, either on the ground that labor and materials have gone up in value or on the ground of changes or additions made in the plans, unless these changes and additions have been authorized in writing and the price agreed upon with the owner.

§ 1794. An employer may of his own accord cancel a job which has been undertaken, even if the work has been already commenced, by compensating the contractor for all his expenses, his work, and all he might have earned in such enterprise.

§ 1795. A contract for the letting of work expires by the death of the workman, the architect, or the contractor.

§ 1796. But the owner is bound to pay to their successor the amount of the work done and of the materials prepared, in proportion to the price set down in the contract, but only if the work and the materials can be of use to him.

§ 1797. A contractor is answerable for the acts of the persons whom he employs.

§ 1798. Masons, carpenters, and other workmen who have been employed in the construction of a building or other works undertaken upon a contract only have an action against the person for whom the work has been done to the extent of what such person owes the contractor at the time the action is commenced.

§ 1799. Masons, carpenters, locksmiths, and other workmen who make contracts by the job for their own account are subject to the rules contained in the present section; they become contractors for the kind of work they undertake.

Austria.—In Austria (not including Hungary) the general code of 1859 relates to all classes of industrial work carried on in establishments, but not to casual day labor, household industry, agriculture, forestry, mining, and railway transportation. All industrial establishments coming under the code are divided into three classes—the handicraft trades, licensed trades, and free industries; the first being those in which a considerable degree of manual skill is required. The order of the minister of commerce, issued September 15, 1883, specifies 47 skilled trades as handicraft trades. Licensed trades are those industries in which the public good requires regulation, but this class is much more comprehensive than is usual in other countries. The remaining unregulated trades compose the class of free industries, and further distinction is made between the large industrial establishments (*Fabriken*) and shops (*Kleingewerbe*). Only those establishments where over 20 persons are regularly employed are considered as factories, although other features are taken into consideration, such as the use of machinery, etc.

In Austria, subject to the provision of law regulating labor, the parties may make any contract they choose. The class of industrial employees is, however, subject to the same restrictions, and this class is defined to include all working people regularly employed in industrial establishments, all journeymen, helpers, assistants in mercantile establishments, waiters, coachmen, drivers in wagon transportation work, factory workers, apprentices, etc.—but not persons employed in higher branches of work usually receiving annual or monthly salaries, such as superintendents, experts, bookkeepers, clerks, draftsmen, and the like.

Austria.—In Austria (see also for other continental countries below) there is a system requiring all workingmen to be provided with a personal identification book or pass book. No employer can employ a workingman without such a book in due form, which must contain the name and address of the owner, date and place of birth, religion, conjugal condition, and occupation. For young persons it must also give the name and residence of the parent or guardian or other legal representative. The time of entering and leaving each employment must be duly entered, and the pass book must be presented to the employer upon application for work. If employment is given, the employer takes the pass book and retains it until the employee leaves. (See also chap. 10, sec. 1.)

SEC. 4. GENERAL FORM OF THE CONTRACT TO LABOR.

Norway.—The law of June 27, 1892, forms an industrial code applying to factory or shop labor—i. e., to all industrial establishments which employ at the same time and in a regular manner a greater or less number of employees, all trades of an industrial nature, mines, shops for the treatment of metals or minerals, foundries, etc. (See Chap. IV, § 1.)

The use of the written contract in labor engagements is far more usual in continental countries than with us, and it is important to remember this. In the United States, either in the case of private employment or in work in large factories, it is the exception where the agreement of employment or personal service is reduced to written

terms. The contrary is the case in Europe. As a consequence, perhaps, and even independent of the constitutional condition, it is far more usual to enforce labor contracts in continental countries than it is with us. Compare Art. E, sec. 1.

In *France* slavery is prohibited by a law which forbids a person from engaging his services for life. The law of July 2, 1890, abolished the obligation previously imposed upon all workingmen to be provided with pass books.

In *Belgium* the civil code (art. 1780) provides that the services of a person shall be engaged only for a certain time or a determined work.

Russia.- In Russia the theory appears to be that all contracts for personal service must be put in writing and they may be made before a notary. Any agreement restricting the right of either party to appeal to the courts is null and void. The civil code prohibits contracts of a duration of more than 5 years.

The industrial code applies specially to factory and workshop employees, and distinguishes 3 kinds of contracts: (1) Those of a determined duration; (2) those of an undetermined duration; (3) contracts in the nature of piecework. The duration of contracts of the first kind can not exceed 5 years, and the contract is usually 1 year, except in the case of persons working half the year in factories and half the year in agricultural pursuits, in which case the term is 6 months. The term "contracts of undetermined duration" includes contracts by the month, week, etc.

In Russia each employee must be supplied with a pass book, and the form approved by the Government, within 7 days after he begins work. The book is furnished gratuitously, and must contain the owner's full name, the length of service agreed upon, amount of wages, the conditions of payment of wages, the sum, if any, to be paid by the employee for lodging, baths, or other conveniences, and any other conditions of the labor contract that the contracting parties desire to have inserted, the amount of wages earned and fines imposed, with the reasons therefor, and, finally, an extract from the shop and factory regulations, showing the rights, duties, and responsibilities of the employees.

Ontario.—No voluntary contract of service is binding for more than 9 years. All agreements or bargains, verbal or written, between employers and employees are binding on each party, but a verbal agreement can not be made for more than 1 year. (R. S., chap. 187, *Masters and servants.*)

The act further provides that "any agreement or bargain entered into by any employee whereby it is agreed that this act shall not apply or that the remedies applied shall not be available for any persons entering into such an agreement, is null and void and of no effect as against any such employee." It would seem as if this should be the case without special enactment.

SEC. 5. TERMINATION OF CONTRACT.

Great Britain.—The employers and workmen act (38 & 39 Vict., C. 90) provides that, in case of a child, young person, or woman, subject to the provisions of the factory acts (1833 to 1874), (*a*) any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work

done before such absence or leaving work, except to the amount of the damage, if any, which the employer may have sustained by reason of such absence or leaving work.

Germany.—In Germany the labor contract between employees and employers may, unless otherwise agreed upon, be dissolved at any time by either party upon 14 days' notice. If a different term of notice is agreed upon it must be the same for both parties, and agreements contrary to this provision are void. But an employee may be dismissed without notice if at the time of making the contract he deceived his employer by presenting a false pass book or certificate, or if he was at that time under contract to work for another person; (2) if he is guilty of theft, fraud, or other bad conduct; (3) if he leaves his work or otherwise persistently refuses to fulfill his contract; (4) if, in spite of warnings, he is reckless in the handling of fire or light; (5) if he is guilty of acts of violence or insult toward his employer or his family; (6) if he intentionally commits an injury to the detriment of his employer or a fellow-worker; (7) if he incites or seeks to incite members of the employer's family or other employees to commit illegal or immoral acts; (8) if he is unable to continue his work or is afflicted with a repulsive disease. In the first 7 cases action must be taken by the employer within a week from the time he becomes aware of the facts. The employee on his part can leave without giving notice (1) if unable to perform his duties; (2) when the employer or his representative is guilty of violence or other serious misconduct toward him or his family; (3) when the employer or his agent or any member of their families attempts to incite the employee or members of his family to commit illegal or immoral acts, etc.; (4) when his wages are not paid, or sufficient work not furnished, if on the piece system; (5) when his continuance at work exposes his life or health to danger which was not apparent when the contract was made. In the second case he must take action within a week after becoming aware of the circumstances. By the law of 1891 a contract may also be severed without notice by either party for important reasons, such as deaths, serious illness in the family, or marriage of female employees.

When a contract is prematurely broken the injured person is entitled to damages, and under the law of 1891 the employee has a summary remedy to recover an indemnity up to the amount of his ordinary wages for 6 days. For factory employees see § 4 above.

Austria.—In Austria, before the expiration of an expressed or implied period of employment an employee may be summarily discharged without notice in the following cases: (1) For having presented a false or counterfeited pass book or certificate, or withheld the fact that he was under employment elsewhere; (2) for incompetency; (3) drunkenness after repeated warnings; (4) theft, embezzlement, or other criminal conduct; (5) for disclosing business or trade secrets, or for carrying on another business of the same trade without the employer's consent; (6) for leaving his work without permission or refusing to perform work assigned to him, gross neglect, or attempts to induce his fellow workmen, or members of the household to disobedience, or to immoral or illegal acts; (7) for gross insult, bodily injury, or threats against his employer or a member of his household, or his fellow employees, or for carelessness in handling fire and light; (8) for disease or for disablement for a longer period than 4 weeks; (9) for imprisonment for more than 4 days. The employee on his part

may leave without notice: (1) If he can not continue his work without injury to his health; (2) for violent illtreatment or gross insult from the employer; (3) if the employer attempts to lead him into immoral or illegal transactions; (4) for improperly withholding his wages or other violation of the material condition of the contract by the employer; (5) if the employer is unable or refuses to pay his wages. The labor contract is dissolved ipso facto by the discontinuance of the business or the death of the employer.

Unless otherwise agreed upon, employment is presumed to be by the week, and a notice of 14 days must be given of intention to terminate the contract; but employees who are paid by the piece or task may only leave when they have properly performed the work.

Russia.—In Russia the civil code prohibits a workingman from leaving his work or an employer from dismissing an employee before the expiration of the term of service agreed upon. The industrial code supplements this by providing that in case of a contract of indetermined duration at least a fortnight's notice must be given.

In Russia the employer is prohibited from reducing the wages of an employee in any way before the expiration of the term of contract, or without two weeks' notice in the case of contracts not for a fixed term, and reciprocally the workingmen have no right to demand a change in the terms of the contract before its termination. Infractions of these provisions are punishable by fine.

The labor contract between a factory employee and his employer can be terminated without regard to the foregoing provisions: (1) By a common agreement between the parties; (2) by the expiration of the term of service agreed upon; (3) by the completion of the work undertaken; (4) by either party giving a two weeks' notice in the case of contracts for an undetermined period of time; (5) by the employee being removed by a competent authority from the place of work, or being condemned to a term of imprisonment of such length that the performance of the contract is rendered impossible; (6) by the employee being compelled to perform obligatory military or civil service; (7) by the institution which has granted the employee a passport for a fixed time refusing to renew it; and (8) by a suspension of work in the establishment lasting more than seven days, as the result of a fire, boiler explosion, flood, etc.

Independently of the above cases, in which the labor contract can be considered as ipso facto sundered, the industrial code authorizes either the employer or employee to terminate the contract in certain cases. The employer can exercise this right without having recourse to a court in the following cases: (1) Where the employee without sufficient reason absents himself for more than three days at one time or six days in the course of the same month; (2) where the employee is absent for more than a fortnight at one time, even though with good cause; (3) where the employee is summoned before a court to answer for a crime entailing punishment by imprisonment or a more severe penalty; (4) where the employee is guilty of insolence or bad conduct which may prove of injury to the establishment or the personal security of those in charge; and (5) where the employee contracts a contagious disease. The dismissed employee has a right to bring an action for damages against his employer, and if the court decides that the contract of employment was illegally broken, it can fix the amount of the damage to be paid. Action must be taken by the employee within a month from his dismissal.

The employee, on his side, can demand, but only by judicial means, the termination of his labor contract in case the conditions regarding his remuneration are not observed, and in the following cases: (1) Where he is beaten, struck, or otherwise maltreated by his employer or a member of the latter's family or one of his agents; (2) where the conditions regarding food and lodging are not complied with; (3) where the conditions of work are injurious to the health of the employee; (4) in case of the death of the husband or wife or other member of the family of the employee who has been furnishing the family with the means of existence; and (5) where the members of the employee's family who has been supporting the family enters the obligatory military service.

New Zealand. - In the case of a woman or person under 18, any forfeiture on account of absence or leaving work, shall not be deducted from wages, except to the amount of the special damage, if any.

SEC. 6. AMOUNT OF WAGES.

So far as is known, no European or civilized country has yet fixed by law the amount of remuneration that shall be given workmen in private employment. In public employments organized labor has made a definite movement for a "usual wage law;" that is, that public municipalities, or contractors for them, shall be required to pay at least the usual rate of wages prevailing in that locality. Something of this sort may be found in the legislation of Germany, France, and some of the Australian colonies.

The minimum wage act of *New Zealand* comes the nearest to prescribing a minimum rate in private employment, though aiming at the prevention of the employment of children in factories practically without pay.

This is entitled "the employment of boys and girls without payment prevention act," passed in 1899, and is unique among the legislations of European communities in providing minimum wages, viz, 4 shillings per week, and 5 shillings for boys under 18, while employed in any capacity in a factory or workroom, such payment to be made at weekly or fortnightly intervals. The law also forbids the acceptance of premiums from such boys and girls for employment in the factory or workroom.

Public wages. - The New Zealand public contracts act of 1900 applies to every contract exceeding the value of £20 entered into by or on behalf of the government of any education board, harbor board, or local authority involving the employment of skilled or unskilled labor, and provides that the contractor shall, notwithstanding his contract, be deemed to have agreed to observe such length for the working day and to pay such rates of wages and for overtime as are generally considered in the locality to be usual and fair for the description of labor to which they relate, such length to be not greater than and such rate not to be lower than the rate fixed by arbitration, if there has been any under any award or order of the court of arbitration existing at the time. These provisions are deemed to be incorporated in every public contract, and the employee is forbidden to contract himself out of the same under penalty of £10 to the contractor.

France.—The French law of August, 1899, regulates extensively contracts of labor between the state and any municipality, both as to

hours and rate of wages. For instance, section 3 of the first article provides that the contract shall contain a clause for the payment of the workmen by a normal salary equal, for each profession and in any profession for each category of workmen, to the wages usually paid in the town or locality where the work is done. The contractor, by article 2, is forbidden to sublet his contracts without express authority from the administration and under the condition of remaining personally responsible both to the administration and to his employees or to other persons. The normal rate as above mentioned is determined by the Government or administration itself with reference to the agreements made between the syndicates of employers and the workmen of the locality, and with the advice of mixed commissions, etc.

Ontario—Profit sharing.—Ontario has a unique provision (Revised Statutes, 1897, chapter 157) regarding profit sharing, as follows:

It shall be lawful in any trade, calling, business, or employment for an agreement to be entered into between the workman, servant, or other person employed and the master or employer, by which agreement a defined share in the annual or other net profits or proceeds of the trade or business carried on by such master or employer may be allotted and paid to such workman, servant, or other person employed, in lieu of or in addition to his salary, wages, or other remuneration; and such agreement shall not create any relation in the nature of partnership, or any rights or liabilities of copartners, any rule of law to the contrary notwithstanding; and any person in whose favor such agreement is made shall have no right to examine into the accounts or interfere in any way in the managements or concerns of the trade, calling, or business in which he is employed under the said agreement or otherwise; and any periodical or other statement or return by the employer of the net profits or proceeds of the said trade, calling, business, or employment, on which he declares and appropriates the share of profits payable under the said agreement, shall be final and conclusive between the parties thereto and all persons claiming under them respectively, and shall not be impeachable upon any ground whatever.

Every agreement of the nature mentioned in the last preceding section shall be deemed to be within the provisions of this act, unless it purports to be excepted therefrom, or this may otherwise be inferred.

ART. B.—AS TO HOURS OF LABOR OF MEN, WOMEN, AND CHILDREN IN FACTORIES, ETC.

The European laws generally, and even the English acts of Parliament, are much more free than the American States in legislating as to the length of daily labor permitted in factories, workshops, and stores, and even in ordinary industrial avocations, to men and women of full age. In fact, it may be said that the continental countries generally legislate as to the length of daily labor in certain industries, having in mind solely the nature of the industry, not the age of the persons to whom the legislation shall apply, except perhaps in the case of young children. But the more free the form of government according to the American point of view, the less autocratic it is; and the more progressive and democratic in form, the more we find the American tendency to avoid legislating as to the liberty of labor of competent male citizens. Thus we find at the one extreme Russia, where the laws make practically no mention of the age of persons to whom they apply, and at the other extreme Belgium and Great Britain, where the laws do not as a rule apply to adult male labor.

SEC. 1. LENGTH OF THE DAY'S WORK IN THE ABSENCE OF CONTRACT.

It is notable that in no country but certain States of the United States has it as yet been attempted to enact a general statute fixing

the working day in the absence of contract. It is hard to account for such omission; the more detailed legislation as to each individual industry may, however, be the reason.

SEC. 2. PUBLIC LABOR.

France.—The law of August 10, 1899, provides that all public contracts, that is, contracts for public work or for the State, shall contain a clause limiting the length of the day's work to the day usual to the locality, with overtime allowed, but with increase of wages for such overtime.

New Zealand.—The public-contract act of 1900 fixes a maximum length of 8 hours for a working day of skilled or unskilled labor in all public contracts as therein defined.

SEC. 3. HOURS OF LABOR OF WOMEN, MINORS, ETC.

There appears to be no general statute in any European country or in the British colonies applying to the hours of labor of women and children in all occupations. France has a law, however, that no child under 16 years of age can be employed at actual labor for more than 10 hours per day; and no child from 16 to 18 years of age can be employed at actual labor for more than 11 hours per day, or 60 hours per week. In all cases the labor period must be broken by one or more intermissions for rest, the total duration of which must not be less than 1 hour. Russia also has a law prohibiting the employment of children under 12 in any "industrial establishment" (see sec. 5, below); and the laws of Germany, Belgium, and other countries apply to so many kinds of factories or industrial occupations as to become almost general in effect. (See secs. 4 and 9, below.)

SEC. 4. HOURS OF LABOR IN FACTORIES, MINES, RAILROADS, AND OTHER SPECIAL OCCUPATIONS.

FACTORIES.

France, with other continental countries, differs from England and the United States in prescribing the hours of employment of adult males as well as females and minors in general employment in factories and workshops, which include all establishments making use of a mechanical power, and in other industrial establishments employing more than 20 persons in the same place. By the act of September 9, 1848, the hours of actual labor of employees are limited to 12 hours per day. The Government has power to designate certain industries which should be exempt from the provisions of the act, which has been done in many decrees, notably those of May 17, 1851, January 31, 1866, April 3, 1899.

In *Germany* the Bundesrath has been given the power of fixing the time that work shall begin and end, and the maximum duration of a day's labor, in those industries in which it deems that long hours are especially injurious to the health of employees; and such laws which, of course, apply to the labor of adult males as well as others, have, in fact, been promulgated in many particular industries.

Austria.—In Austria the hours of labor of adult males, as well as women and children, are regulated by law. Thus no employee in a

factory is allowed to work more than 11 hours in each 24 hours, exclusive of periods of rest, except that the minister of commerce and the interior, after consultation with the chamber of commerce, may designate certain industries in which workingmen may be employed an extra hour per day. This is generally permitted in workrooms where the work must be carried on uninterruptedly, such as iron, steel, and other metal works; lime, cement, and tile factories; paper mills, flour mills, sugar refineries, breweries, distilleries, etc. (See U. S. Labor Bulletin No. 28, p. 578.) There is also a special order, May 27, 1885, modifying the requirements in various industries as to the hour of rest.

Russia.—By the law of June 2, 1897—

1. All factories and workshops to which articles 128 to 156 of the industrial code apply, mines, blast furnaces, iron and steel and other metal works, gold and platinum mines, railway shops, as well as factories and establishments belonging to the cabinet of His Imperial Majesty, to the general administration of the appanages, and to the domain of the State, shall be subject to the following regulations concerning the duration and division of the hours of labor:

Technical establishments coming under the ministries of war and the marine are subject to the special regulations and orders of those departments.

2. In fixing the workday or hours of labor in each 24 there must be counted the time during which the workingmen, in conformity with the provisions of the labor contract (arts. 92, 103, 134, 137, and 142 of the code), are obliged to be inside the works at the disposition of the persons directing their work.

In mines the time consumed by the workingmen in descending into and leaving the mines must be counted as work time.

3. That work shall be considered as night work which, in the case of work performed under the single-shift system, is performed between the hours of 9 p. m. and 5 a. m., or, in the case of work under the system of two or more shifts, is performed between the hours of 10 p. m. and 4 a. m.

In gold and platinum mines exploited by private persons article 29 of the appendix to article 661 of the mine regulations shall apply.

4. In the case of persons employed exclusively during the day the hours of labor must not exceed 11½ in each 24, and on Saturday and the days before the 12 holidays mentioned in section 6 must not exceed 10. On the day before Christmas work must not be prolonged beyond noon.

5. In the case of workingmen employed partly during the night the hours of labor must not exceed 10 per day.

In Russia overtime work is only permissible by express agreement. It is made the duty of the ministers of state to elaborate the foregoing provisions, to authorize exceptions in important cases, and generally to promulgate regulations concerning the duration and division of the labor period in industries and trades which are specially injurious to health. Acting under this, the order of September 20, 1897, provides that 18 hours of work is performed in 2 shifts. The hours of labor of each employee may be increased to 12 hours per day during any period of 2 weeks. When the hours of labor exceed 10 hours there must be an interval of rest of at least 1 hour. They must be allowed to take their meals as often as once in 6 hours. The number of hours overtime may not exceed 120 per year. Workmen who are specially authorized for continuous work (i. e., through Sundays), must have at least 24 hours continuous rest thrice a month if his hours are 8 a day, or 4 times a month if he works more than 8 hours a day, and the hours of work in 2 consecutive days must never exceed 24, or 30 where there is an alternate shift. The usual exceptions are made for repairs, accidents, etc.

Special exceptions are made for many establishments by the interior department, such as bleacheries, dye works, print works, paper mills, foundries, potteries, manufactures of organic products, food stuffs, and chemicals.

Norway.—The length of a workday for each workingman must not exceed 12 in each 24 hours, including intervals of rest, with 1 uninterrupted hour for dinner, or employers, if they choose, can adopt the 10-hour system, including the hours for meals. No workingman may be employed more than 6 nights in 2 weeks in the night work authorized by law. Overtime work is allowed on Sundays and at night in case of certain holidays, and the municipal councils can grant further exemptions.

Ontario.—There is no regulation of the hours of male labor.

RAILWAYS.

The hours of labor upon railways in European countries are usually regulated rather by administrative decree than by statute. (See U. S. Labor Bulletin, No. 20, pp. 1 to 117.)

Great Britain.—The railway regulation (hours of labor) act of 1893, July 27, practically puts the regulation of railway labor in the hands of the board of trade department of government. It excepts clerical labor from its provisions also labor employed in railway workshops. Under suitable penalties the law prescribes that—

1. If it is represented to the board of trade, by or on behalf of the servants, or any class of the servants, of a railway company, that the hours of labor * * * of any particular servants engaged in working the traffic on any part of the lines of the company are excessive, or do not provide sufficient intervals of uninterrupted rest between the periods of duty, or sufficient relief in respect of Sunday duty, the board of trade shall inquire into the representation.

2. If it appears to the board of trade * * * that there is, in the case of any railway company, reasonable ground of complaint with respect to any of the matters aforesaid, the board of trade shall order the company to submit to them, within a period specified by the board, such a schedule of time for the duty of the servants, or of any class of the servants, of the company, as will in the opinion of the board bring the actual hours of work within reasonable limits, regard being had to all the circumstances of the traffic and to the nature of the work.

3. If a railway company fail to comply with any such order, or to enforce the provisions of any schedule submitted to the board in pursuance of any such order and approved by the board, the board may refer the matter to the railway and canal commission, and thereupon the railway and canal commission shall have jurisdiction in the matter, and the board may appear in support of the reference, and the commissioners may make an order requiring the railway company to submit to the commission, within a period specified by the commission, such a schedule as will, in the opinion of the commission, bring the actual hours of work within reasonable limits.

We append a table of hours of labor per week in various railway occupations, copied from Dr. Weyl's article referred to above.

Hours of labor per week in various railway occupations.

Occupations.	Number of men affected.	Average hours of labor per week.	
		Before reduction.	After reduction.
Signalmen	797	70	58
Conductors	260	74½	60½
Porters	103	78½	70½
Shunters	147	71½	59½
Track men	3,105	56½	54½
Other classes	595	65	59½
Total	5,007	61½	56½

France.—Up to the present time there have been no laws passed by the French Parliament upon the regulation of the hours of labor in the railway service, the regulation being hitherto effected by means of ministerial decrees. Thus the ministerial circular of May 3, 1864, fixed the maximum working day for switchmen at 12 hours, even in cases where there is no interval between the day and night service. In the case of the enginemen the regulation was more difficult, and it was only after a series of tentative efforts that a method of regulation was arrived at that improved the conditions of the employees without injuring too seriously the interests of the companies. The regulation of the hours of labor of employees at small stations was a still more delicate affair, and in this latter case it was found advisable simply to establish general principles rather than to lay down definite and absolute rules.

The hours of labor of enginemen and stokers were regulated by the ministerial circulars of April 24, 1891, April 25, 1892, and May 4, 1894. The successive changes, however, were by no means radical, but were intended to be merely modifications in detail of former regulations. The earlier circulars were rather tentative, and were found to be too inelastic, and in certain cases imposed sacrifices upon the companies which were incommensurate with the benefits derived from them. It had been found inconvenient to limit the hours of labor to 10 per day, or, on the contrary, to allow an average working day of 12 hours, and in the final regulation in 1894 a compromise was effected between these two methods which obviated the disadvantages of both.

The ministerial circular of 1894 had a double object in view, viz, the limitation of the working day of enginemen and of firemen to a reasonable maximum, and the increase, as far as possible, of the number of cases in which the employees could be allowed to take their rest at home. Accordingly, the average working day was fixed at 10 hours, with at least 10 hours of uninterrupted rest, so that in a period of 10 consecutive days of work, continuing from midnight to midnight, there should be not more than 100 hours of actual work, and not less than 100 hours of rest, in sufficiently long periods to be considered uninterrupted. For any one day the actual hours of labor might exceed 10 hours of actual work, but in no case might it exceed 12 hours, and in every instance it must both be preceded and followed by periods of rest, which were fixed at a minimum of 10 hours when the employee was at home and at 7 hours when he was lodged elsewhere. It is not permissible to have more than two consecutive periods of uninterrupted rest of a duration of less than 10 hours, and the combined duration of any two consecutive periods of uninterrupted rest must be at least 17 hours.

According to the circular the enginemen and firemen are considered actually at work as long as they are on the engine or are not allowed to go away, and as long as they are employed at any sort of work whatsoever either in the stations or in the shops. When the employees are held in reserve, only such time may be considered as rest which they are allowed to pass in their dormitories or the refectories of the stations and workshops, or in some other place of repose. Even in the case of special trains no deviation from the rules above laid down are permitted, unless in such special instance it is fully justified by the necessities of the service. If through the necessities of the service, or in consequence of unforeseen or accidental circumstances, the work of enginemen and firemen exceeds the prescribed limits, the companies must render an account of such excess, but the enginemen and firemen may not invoke a prolongation of the length of the working day. The company must on the 10th day of each month make a report of excess time to the chief of control of exploitation and traction, who prescribes alterations in the service which will cause the excessive labor to disappear without delay. The supervising engineers frequently verify the statements of the companies and report every three months.

The regulation of the hours of labor in stations where there are a number of persons employed is not very difficult, since by a system of relays it is easy to assure a maximum working day of reasonable length. In France the railways are invited to post in each station employing several persons the hours of labor and of attendance of each employee, so that the supervising officials can easily see that no employee is obliged to work for too long a period. In stations, however, which are provided with signals, but the importance of which does not justify the presence of more than one person, the problem of regulation is more difficult. The small number of trains on such lines may run at such long intervals that the employee may be kept at work for a period of time which may injure his health and risk the safety of the public. On the other hand, the work is not continuous, but is interrupted by a series of intervals of rest, especially where the employee is actually lodged in the station. Still, even in such conditions, a minimum of rest is required to assure the necessary vigilance, and the minimum of rest is estimated by the minister of public works at 8 hours. If during the day, however, the employee has, besides the time

allowed for his meals, an uninterrupted rest of 3 hours, the greater period of rest may be reduced to 7½ hours, while if the supplementary interval is 4 hours in length, the length of the main interval of rest may be reduced to 7 hours. To effect this reform it may be necessary that the service for the earliest morning train or for the latest night train be performed by either an auxilliary employee or by the train crew itself.

The clearest idea of the demands of the railway employees themselves upon the subject of the length of the working day may be obtained from an analysis of the Berteaux bill, which was passed by the Chamber of Deputies on the 17th of December, 1897, but was thrown out by the Senate. The discussions to which this projected measure gave rise, both in the chamber and in the public press, throw light upon the more legitimate wishes of the men and upon the difficulties that beset any attempt at the regulation of the hours of labor of railway employees.

The Berteaux bill (*proposition de loi Berteaux*) required that the average working day for all persons engaged in the train service should not exceed 10 hours a day. For any one day or any series of days this maximum might be exceeded, provided that the work did not average over 10 hours. A maximum average working day of 10 hours and a maximum of 12 hours for any single day had already been proclaimed by the ministerial circulars of April 25, 1892, and of May 4, 1894, but the instructions in these circulars were not followed out. The Berteaux bill further provided that the period of work for enginemen and firemen should be counted from the time when the employee entered until he left the depot, and for the chiefs of trains, conductors, and brakemen from the time of entering until time of leaving the station. This provision was intended to give to the employee the benefit not only of the period noted in the time-table, but also of the time in which his presence is required before the departure and after the arrival of the train. In order, further, to prevent the employment of any person for an inhumanly long period, by allowing or compelling him to commence the work of one day immediately after the completion of the work of the preceding day, as, for instance, from 2 p. m. to 12 p. m. Monday, and 12.01 to 10 a. m. Tuesday, the bill required that every period of work should be followed by an uninterrupted rest of 10 hours. The bill also provided that any period of repose between two trains should be considered as work unless the interruption was at least 4 hours in length, and likewise required that the period in which the employee was bound to be present and hold himself in readiness should also be considered as work. At present any interruption between two trains, even though it be only an hour in length, is considered as rest, as is also the period when the employee is obliged to be present but is not actually employed. The bill requires the punishment of any chief of service who is guilty of a contravention of this law, especially in the case of accidents due to the fatigue of the employees, the penalties provided being those of the law of July 15, 1875. The Berteaux bill also takes up the questions of leave of absence and pensions, as may be seen later.

It is practically impossible to obtain accurate information upon the actual hours of labor worked upon French railways. The claim is often advanced by the employees that the maximum hours prescribed in the ministerial decrees are frequently and unnecessarily exceeded, and that the railway companies make no attempt to reduce the working day to within reasonable limits. The journal of the leading railway labor organization frequently brings cases of unusually long hours; but while many of the facts thus cited are undoubtedly true they furnish no sufficient evidence upon which to arrive at the ordinary duration of the working day in the various grades of railway employment. Nor can such data be obtained in any other way. The investigation into the rate of wages recently made was extended to the subject of hours of labor, but the returns of the company, even if free from a desire to paint the conditions better than they are, were too indefinite to allow any clear idea to be obtained of the average length of the day's labor. (Weyl, ibid., 52–55.)

Belgium.—In the regulation of the length of the working day it has been found easier to arrange the number of hours in the central administration than in the active service. By a ministerial decree the hours of work in the *administrations centrales du département* are fixed at from 8.30 a. m. to 12 m., and from 2 p. m. to 5.30 p. m.; in other words, to 7 hours in all. The generally prescribed minimum of work in the active service is 8 hours, to be arranged by the various division and section chiefs. The actual length of the working day, however, is considerably in excess of this minimum. The men employed in the maintenance of way and structures have a working day of 12 hours, but as this includes 2 hours for meals the effective working day is only 10 hours. The effective working day in the workshops is also 10 hours, and since 1895 the workmen at the stations have been employed a maximum of 12 hours a day. Those employed in the surveillance and policing of the track are limited to a day of 12 hours in all cases where there is a complete night service. Upon lines of

feebler traffic the work varies from 8 up to 14 hours, according to the importance of the posts. The hours of enginemen, firemen, and brakemen have also been reduced within recent years. In former years the working day frequently attained 17 hours, but it has been successfully reduced to 15 and latterly to 13 hours. The present maximum of 13 hours includes not only the time for meals, but that of actual presence on the machines before and after the service, which is estimated as two half-hours. Another reform which has been introduced into the regulation of the hours is involved in the change from day to night service. Formerly this change sometimes kept the employee at his post for 18 or 24 hours, but this has now been reduced to 12 hours.

To each of its employees the Belgian State railway administration guarantees a daily uninterrupted rest of 8 consecutive hours at his own house. Employees working in the more important stations are allowed an interruption of an hour in their work to allow them to take their meals outside. The employees are also accorded 2 free hours every Sunday and legal holiday in order to permit them, if they so desire, to attend divine service with regularity. Until 1887 every employee was granted 1 free day per month with pay, but in that year it was made 2 free days per month, and in 1891 the number of free days with pay was increased from 24 to 28 per year.

Prussia.—Until 1892 there was no general regulation of the hours of labor of all employees of State railways. There had been, previous to that year, special regulations issued, but no general set of rules had been adopted. In the year 1892, however, a ministerial circular was issued as a basis for the officials in determining the length of the working day. The result of the reduction in hours was an increase in the number of men needed, and as this increase could not be met at once, the administration was forced to limit itself to a gradual reduction, taking up one class of employees after another. This was especially necessary, as the supply of capable men was not in all cases equal to the increased demand. By the end of 1895, however, the great majority of employees was brought under the new rules, and by May 15, 1896, the ministry saw its way clear to make the rules general, and these were finally carried into execution in October, 1896. The large number of men concerned in this reorganization, and the thoroughness with which the administration went into the matter, warrants a somewhat detailed account.

The underlying principles of the Prussian regulations, expressed generally, are as follows: In all responsible positions the men employed in the working of the lines are not to be occupied more than 8 hours, where the work is uninterrupted and ntense. This period of work may be increased in proportion as there are more frequent periods of rest and as the work is more or less intense or continuous, the highest number of hours allowed being 14 or 16, according to the nature of the work. This maximum may not be frequently attained, however, no matter how easy or how little continuous the work is, it not being permitted to work the men this period more than once in a given period (as a week, fortnight, etc.). The work must be preceded and followed by a period of rest, which must be so arranged that it may usually be passed by the employee at his home.

The diminution in the number of hours worked has been not inconsiderable, but owing to the different methods of keeping accounts of the different periods it is difficult to show exactly how great this decrease has been. The statistics of 1897 show the number of men working 8 hours a day or less, those working from 8 to 10, from 10 to 12, from 12 to 13, from 13 to 14, from 14 to 15, and from 15 to 16 hours a day, there being no cases of work exceeding 16 hours. For 1892, however, all men employed 10 hours or less are grouped together, and also all men employed from 14 to 18 hours. But even with these data it is possible to get some idea of the extent of the reduction. Of the 109,081 men (88,577 in 1892) considered, 23.73 per cent were occupied 10 hours or less in 1897 as compared with 17.03 per cent in 1892, while only 6.06 per cent were employed over 14 hours in 1897, as compared with 15.61 per cent 5 years before. The principal amelioration of the condition of the employee as regards hours of labor is to be found in the abolition of the working day of over 16 hours, the decrease in the number of men employed from 12 to 14 hours, and especially of those employed from 14 to 16 hours, and the consequent increase in the number of short days. The following tables show the number of employees considered and the hours of labor per day in 1892 and in 1897, respectively:

Employees and hours of labor per day, Prussian state railways, 1892.

Occupations.	Employees considered	Employees working per day—									
		10 hours or less		10 to 12 hours.		12 to 13 hours.		13 to 14 hours.		14 to 18 hours.	
		Number.	Per cent.	Number.	Per cent	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Flagmen	20,311	791	3 89	12,915	63.59	2,685	13.22	2,645	13.02	1,275	6 28
Switchmen	16,083	1,301	8 09	10,498	65 27	2,011	12.52	1,478	9 17	796	4.95
Station employees	9,319	1,211	13.00	5,243	56.26	1,140	12.23	926	9.94	799	8 57
Telegraph operators	2,119	1,009	11 71	1,176	18.62	100	4 13	94	3.89	40	1 65
Shunters	1,812	220	12.14	1,317	72.68	163	9 00	58	3.20	54	2.98
Baggage masters	1,315	109	8.29	1,044	79.39	67	5 10	47	3.57	48	3.65
Train staff	21,686	6,283	28.97	4,019	18.53	2,157	9 95	2,273	10 48	6,954	32.07
Locomotive staff	15,632	1,164	26 61	3,030	19 38	2,158	13 80	2,418	15 47	3,862	24.71
Total	88,577	15,088	17 03	39,242	44 30	10,481	11 84	9,935	11 22	13,828	15 61

Employees and hours of labor per day, Prussian state railways, 1897.

Occupations.	Employees considered	Employees working per day—													
		8 hours or less		8 to 10 hours		10 to 12 hours.		12 to 13 hours		13 to 14 hours		14 to 15 hours		15 to 16 hours	
		Number	Per cent	Number	Per cent	Number	Per cent.	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Flagmen	22,753	524	2 35	1,060	4 66	15,153	66 60	2,863	12 58	2,541	11 17	289	1.27	323	1.42
Switchmen	19,913	1,618	8 11	1,161	5 84	13,751	68 95	1,538	7.71	1,333	6 69	260	1.30	279	1.40
Station employees	12,111	1,291	10 68	1,534	12 67	6,781	56 01	1,152	9.51	791	6 56	339	2.80	214	1.77
Telegraph operators	2,939	997	33.92	611	20 79	1,203	40 93	73	2 49	33	1.12	13	41	9	.31
Shunters	2,878	189	6.57	275	9.55	2,234	77.62	113	3 93	67	2.33	.....	.....	.....	.....
Baggage masters	2,002	51	2.54	247	12.31	1,611	82 12	36	1 80	21	1 20	.....	.....	.....	.....
Train staff	25,677	3,680	14 33	1,852	18 90	9,488	36 95	2,491	9 71	2,291	8.94	1,482	5.77	1,387	5.40
Locomotive staff	20,778	1,070	19 59	3,717	17 89	5,320	25 60	2,626	12.64	3,029	14 58	1,172	5.64	841	4.06
Total	109,081	12,423	11.39	13,460	12 34	55,577	50.95	10,895	9.99	10,115	9 27	3,556	3.26	3,056	2.80

The present regulations in force in regard to the hours of labor on certain railways were promulgated in the Eisenbahn-Verordnungs-Blatt for December 30, 1897. For station employees, in stations where the incoming and outgoing trains are so frequent as to allow no uninterrupted period of rest, the day's labor is not to be over 8 hours. Under other conditions the period of work may be 12 hours, and on days of change of service 14 hours. Where the traffic is exceedingly light, and there are a number of pauses, the day's work may occasionally be extended to 16 hours, including the time in which the employee is merely in readiness. Telegraph operators are to be employed a maximum of 8 hours where the work is uninterrupted, 12 to 14 hours where the telegraphic traffic is not so intense and there are sufficient pauses. The men working in the shunting yards are subject to similar provisions.

The maximum day's work for switchmen is 8 hours where there are no pauses, but it may be extended to 12 hours, according to the length and frequency of the pauses and interruptions in the work. Where there is any single period of rest of 4 hours, the day's work may be extended to 16 hours. For flagmen and signalmen on lines on which there is only day service, or at least only limited night service, the hours of labor may attain 14, and where the traffic is slight and there are a series of pauses, or one or two long ones, the time may occasionally be extended to 16 hours. Where there is a complete night service the maximum day is 13 hours (except on days of change of service, when it is 14 hours); and if the employee can not find lodgings within reasonable distance of where he works, the time spent in coming to and going from his work must be taken into account in fixing his hours.

The time schedules of the locomotive and train staff shall be so arranged that for no single month the average day's work shall exceed 11 hours, and where the conditions permit it the number of hours may fall considerably below this maximum. For any single day the work can not exceed 16 hours, and it can reach 16 only when in

the opinion of the officials the work is so light and the pauses so considerable as to preclude the possibility of overexertion on the part of the locomotive or train staff. After such a period of work (from 14 to 16 hours) a sufficiently long period of rest must be granted, which shall be arranged to take place in the home of the employee, and, when possible, between the hours of 7 p. m. and 7 a. m. The period of actual presence on the locomotive must not exceed 10 hours per day, and on shunting engines, where the work is practically uninterrupted, 8 hours must constitute the maximum day.

All employees engaged in the operation of the railways are entitled to one free day per month, and members of the locomotive and train staff, who are chiefly employed away from their homes, are entitled to two free days per month. The employees, even when they are regularly employed on Sundays, must be given the opportunity of attending divine service once every two weeks, or at the very least once every three weeks. When this is not allowed by the number of free days otherwise accorded, permission must be granted to the employee and such time must not be deducted from his remaining free time.

The chief problem in regulating the number of hours is the difficulty of determining what constitutes rest and what work. The Prussian regulations define the period of work, in the first place, as the time elapsing between two periods of rest. A period of rest is an uninterrupted period, free from work or from the necessity of holding oneself ready for work, which for all the classes of employees mentioned, except the locomotive and train staff, must be 8 hours in length, and for the locomotive and train staff must be 10 hours if they are at home and 6 hours if they are away from home. Thus, on an excursion train, if the fireman has perfect liberty from 10 a. m. to 3 p. m., this period of 5 hours (being less than 6 hours) is counted as part of his service. When, however, a rest of from 6 to 10 hours at home (which is ordinarily considered work and not rest) follows a period of work which has been preceded by a 10-hour period of rest at home, the second period is also considered rest and not work, and occasionally, on lines of feeble traffic, a period of rest at home of only 8 hours may be considered as rest (and not work) for the locomotive and train staff. The period of work is interpreted as including the time of presence of the employee before the departure and after the arrival of the train, and not merely the time spent upon the train. The other men (those not engaged in the locomotive or train service) must not be employed seven consecutive nights at night service. Free days are only to be considered as such when they follow an uninterrupted period of rest of 12 hours, and including this period amount to at least 24 hours.

HOURS OF LABOR ON PRIVATE RAILWAYS.

The privately owned railways are by no means important in Prussia, and they are so completely overshadowed by the State railways and so subject to State control and supervision that they furnish good examples neither of the advantages nor the defects of private ownership. It is not without interest, however, to compare the hours of labor upon these railways with those on the State railways—a comparison which redounds to the advantage of the State system. Of the number considered, of employees engaged directly in the exploitation of the roads, the following are the proportions, grouped according to the hours of labor per day:

Per cent of employees working each specified number of hours per day on State and on privately owned railways compared.

Railways.	Employees considered.	Per cent of employees working per day—									
		8 hours or less.	8 to 10 hours.	10 to 12 hours.	12 to 13 hours.	13 to 14 hours.	14 to 15 hours.	15 to 16 hours.	16 to 17 hours.	17 to 1 hours
State (*a*)	109,081	11.39	12.34	50.95	9.99	9.27	3.26	2.80	.....	.....
Private	2,596	4.09	5.70	29.17	17.72	12.15	11.71	12.33	3.34	3.4

a Not including the Mayence Railway district.

It is very evident that the conditions are better upon the State than upon the private railways. On the State roads 23.73 per cent work 10 hours or less, as compared with only 9.79 per cent on the private railways; and 74.68 per cent, or practically three-fourths of all employed, work 12 hours or less, as compared with only 38.9 per cent on private railways. On the other hand, while only 2.80 per cent of the State-railway employees worked over 15 hours, 19.16 per cent, or almost one-fifth of the private-railway employees, worked this excessive period. It must be observed,

however, that the private railways are not fairly representative, and that the fact that most of them are small lines with feeble traffic accounts for much of the apparently excessive labor.

The proposal is now made to establish upon the private railways in Prussia the same rules in regard to the hours of labor as exist on the State railways.

HOURS OF LABOR AND OF REST OF RAILWAY EMPLOYEES IN PRUSSIA.

The minister of public works of Prussia has made new rules and regulations concerning the hours of labor and of rest of railroad employees. If the duties require unremitting exertion and strict attention, the daily average of the hours of labor of station agents, assistant station agents, telegraphers, switching foremen, overseers of stopping places, and switchmen shall not exceed 8 hours, and the duration of a single task shall not exceed 10 hours. The daily work of railway guards shall not exceed 14 hours. They can, however, be extended to 16 hours on branch lines with little traffic.

The daily hours of labor of the train employees shall, on the average per month, not exceed 11 hours daily; a single task shall not be over 16 hours. Long hours shall only be required if they are succeeded by proportionately long terms of rest. The rest shall be taken at home, and as far as possible shall be during the night. The daily hours of work for the locomotive employees, taken by the average per month, shall not exceed 10 hours, and shall under no circumstances exceed 11 consecutive hours. The same provisions as to rest apply to them as to the train employees.

If the work of the switchmen requires uninterrupted hard work, the average per day shall not exceed 8 hours.

Every person steadily employed in the train service shall have at least 2 days of rest per month. The period of rest of the train and locomotive employees at their respective homes shall not be less than 10 consecutive hours. (United States Labor Bulletin, No. 29, p. 877.)

Saxony.—The hours of labor per day on Saxon railways are as a rule rather long. Of a total of 36,713 men, including both *Beamten* and workmen (*Arbeiter*), 13,308, or over 36 per cent, work over 12 hours; 8,209, or over 22 per cent, work over 13 hours; 5,773, or 16 per cent, work over 14 hours; and 4,255, or over 11 per cent, work over 15 hours. Usually the amount of time worked differs not with the kind of employment, being smallest where the workmen are grouped together and greatest where the work is easiest or where there are long intermissions. In this respect the men employed in the workshops and the offices are favorably situated. Of 3,976 workshop employees, 3,889, or over 97 per cent, work 10 hours or less, and only 16, or less than one-half of 1 per cent, work over 12 hours. The men employed in the offices are even more fortunate in point of time. Of 1,915 so employed, 1,400, or 73 per cent, are occupied 8 hours or less; 1,805, or 94 per cent, 10 hours or less; while only 10 men, or one-half of 1 per cent, are employed more than 12 hours. The station hands work much longer hours. Of these, less than 6 per cent work 10 hours or less; 1,484, or 37 per cent, work over 12 hours; 866, or 21 per cent, work over 13 hours; 527, or 13 per cent, work over 14 hours; and 401, or 10 per cent, work over 15 hours. But the most disadvantageously situated in this regard are the men employed in the surveillance of the track and in the train and locomotive service. Of the 2,220 track men employed in the surveillance of the road, only 2 per cent work 10 hours or less, while 1,323, or almost three-fifths of the whole number, are employed over 15 hours. In the locomotive service two-thirds of the men are employed over 12 hours, one-half of them over 13 hours, two-fifths over 14 hours, while almost three-tenths are employed over 15 hours per day.

These figures, which are for the month of June, 1897, are inclusive of pauses, which for the locomotive and train service sometimes included intermissions which may be 4 hours, or even more, in length, and in the case of the locomotive staff may occasionally amount to 10 hours a day. The very long hours are, moreover, not to be considered as the regular day's service of any group of men.

If, for example, there are 14 men employed at a police station who work 10 hours a day except on 2 days, when they work 12 hours, five-sevenths of the 14, or 10 men, are counted as working 10 hours, and two-sevenths, or 4 men, as working 13 hours, although no one of the 14 men works 13 hours continuously. The long hours are partly to be accounted for in this way and partly to the pauses, which might be deducted in order to get the actual amount of real work. The statistics given also include the midday meal when less than an hour is granted for that purpose. When more than an hour is allowed, the time is deducted from the length of the working-day. It must also be remembered that the excessively long hours usually take place on lines of feeble traffic, where relief is difficult and the work comparatively easy,

so that the overwork is not so excessive or so wearing as might appear from the statistics. The following table, showing employees and hours of labor per day, has been taken from the latest available report (1897) on Saxon railways:

Employees and hours of labor per day on Saxon railways, 1897.

Occupations.	Employees.	Employees whose hours of labor per day were—						
		8 or less.	8 to 10.	10 to 12	12 to 13.	13 to 14.	14 to 15.	Over 15.
Track men	2,220	28	20	348	101	124	276	1,323
Switchmen	3,320	81	127	1,610	199	111	262	330
Conductors	326	16	51	150	46	29	10	24
Outside station employees	1,863	73	391	658	256	255	112	119
Freight-forwarding employees	2,839	22	1,175	1,086	290	148	51	67
Station hands	1,074	16	215	2,359	618	339	126	401
Freight-station workmen	1,765	10	97	649	195	313	125	76
Train staff	1,039	150	671	1,052	155	509	252	950
Car examiners	201	1	12	127	21	6	9	25
Locomotive staff	2,129	161	188	362	368	203	221	623
Machine hands in station	990	17	146	701	25	32	7	32
Office hands	1,915	1,400	105	100	8	2	.....	.....
Workshop and store hands	346	3	259	11	8	9	23	.....
Workshop employees	3,976	.....	3,889	71	16	.....	.....	.....
Workmen in maintenance of track and telegraph	6,710	3	357	1,071	1,891	56	41	289
Total	36,713	2,011	8,003	13,391	5,099	2,436	1,518	4,255

Switzerland.—The hours of labor on Swiss railways have been regulated by a Federal law passed in 1890. The law, which concerns not only railways but steamboats, posts, and all other transportation agencies, whether chartered or managed by the Confederation, is exceedingly radical It provides that the maximum day for all employees, in so far as the exigencies of the traffic require an unusual period of work, shall not exceed 12 hours. Both the train and locomotive staff and other employees are to enjoy a daily uninterrupted period of rest of at least 9 hours, except where the employee lives in the station or along the line, in which cases the minimum period of rest is 8 hours. After about one-half the period of work has elapsed, the employee has the right to an interruption of at least an hour.

The most important provision of the law relates to free days, and above all to free Sundays. By a former Federal statute, passed in 1872, the employee was guaranteed a number of free Sundays; but this provision was generally disregarded, and in the supplementary law, passed February 14, 1878, this provision was, at the instance of the railway companies, omitted. It has been revived, however, by the law of 1890, and made the central feature of the whole scheme of the reform of the period of work. The law provides that all employees shall annually receive 52 free days, distributed through the year in a convenient and reasonable manner, and of these 17 must fall upon Sundays. The companies are not entitled to make a deduction from wages in consideration of these free days. Sunday freight traffic must entirely cease, with the exception of express traffic of merchandise or cattle. When rendered necessary by special circumstances various provisions of this law may be exceptionally suspended. Contraventions of the law are punished by a fine not exceeding 500 francs ($96.50) for the first offense, and not exceeding 1,000 francs ($193) for subsequent offenses. The surrender on the part of an employee of the privilege of having any given day free does not exculpate the company for depriving him of subsequent free days.

In carrying out the law a number of difficulties were encountered, and at first considerable friction ensued. In a special report made by the board of inspectors of Swiss railways to the Federal department of post and railways on March 30, 1892, with regard to the carrying into execution of the law of 1890, several of these difficulties were pointed out. The railways complained that it was impossible to obey the law, and that it was particularly difficult to put a stop to Sunday freight traffic, especially in view of the increase of business in 1891. They had, therefore, requested that the law be not put into operation at all until June 1, 1891, and that it should not be completely executed until June 1, 1893. The difficulties, however, were exaggerated, and it was found that by January 1, 1891, the Gothard company had completely stopped its freight service, and by August 1 all the other great companies had, with one partial exception, ceased to carry slow freight on Sundays. The Gothard and Central railways found it possible within a few months after the passage of the law to give the men, with a few exceptions, the contemplated number of hours of rest. In certain stations on the Central and on other railways it was at first found impossible to

obtain the additional men necessitated by the new conditions of traffic, but during the summer this difficulty was obviated. The Federal Council, however, saw itself compelled, during the month of September, 1891, to grant the companies permission to revive their Sunday slow-freight traffic from September 27 to November 15, owing to the heavy autumn traffic, and in order to permit the trucks to be properly utilized.

On the whole, however, it was clearly recognized, as early as 1892, that the anticipations of the companies had been too pessimistic, and that the law in its main provisions could be carried out. The most difficult feature of the law was the granting of 17 Sundays per year, and while the prohibition of slow-freight traffic rendered the granting of the free days easier, it did not suffice in all cases. Thus, for example, the Jura-Simplon Railway had developed a great amount of cheap Sunday excursion traffic, and the men who were freed from the freight business were thus absorbed by the increasing of the passenger traffic. The board of inspectors, however, who were charged with the execution of the law, held that the free Sundays to the employees were of greater importance than the excursion travel to the public, especially as much of this traffic might easily be created and accommodated on week days if the fares were reduced, and insisted upon obedience to the statute.

Present appearances point to an approaching attempt at a revision of the law of 1890. Since the passage of the law the demands of the men have been growing, and it is now hoped that a law will be passed by the council that will be still more favorable to the employees, or that the present law will be revised in this sense. The chief demand that is now made is the establishment of a 10 hours' maximum. The companies seem willing to compromise on 11 hours, but the leaders among the railway employees insist upon a further concession. It is also expected to obtain for the men, if possible, the granting of a week's leave of absence over and above the 52 free days now conceded, and to insist that the free days shall be preceded and followed by nights off duty. (U. S. Labor Bulletin No. 20.)

Italy (decree of June 10, 1900).

Regulations to be observed by the railway companies in formulating the schedule of working turns, so as to insure the safe operation of the road.

I. Locomotive Personnel.

ENGINEERS, FIREMEN.

Article 1. The hours of labor will be considered as:

(a) The time required for service on the train, computed from the moment when the employee is required to be present on duty, or at the station to take charge of the locomotive, until the time when he is permitted to leave, including rests of not more than 1½ hours' duration;

(b) The time required to go on the train to a given locality to take service and to return;

(c) The time required for switching and making up the train;

(d) The fourth part of any time during which the personnel must remain on duty simply in reserve, and during which they are not required to remain near the locomotive; and also the time during which the personnel must remain on the spot subject to call; the interval, however, during which the personnel is required to be present on the locomotive and in readiness to start to the relief of any train will be counted as a full period of labor;

(e) Any time whatever that is required for work about the locomotive.

Art. 2. The average duration of daily labor, determined as above, inclusive of the reserve days and the rests, as in following articles, must not exceed 10 hours.

Art. 3. In any one period of 24 hours the duration of labor, calculated according to article 1, must not exceed 13 hours.

When, however, the duration of labor exceeds 12 hours the intervals of rest preceding and following the period of labor must be at least 10 hours.

Art. 4. The personnel must be allowed a continuous rest of 8 hours' duration between each turn when at home and of 7 hours when away from home, utilizing in the latter case, when occasion arises, the time when simply in reserve or subject to call, as specified in article 1 (d).

The continuous rests must be separated by intervals (actual labor, presence on duty, brief rests during working hours, etc.) of not more than 17 hours, and the number in each working turn must not be less than the number of days over which the turn extends.

When it is not possible to accord 8 hours of rest at home the difference must be compensated for by a longer period of rest, either before or after the deviation from this rule, and also by a brief rest during working hours, but the repose must not be less than 7 hours.

ART. 5. Among the continuous rests at home prescribed by the preceding article there must be at least 12 per year of the duration of 24 hours each, without prejudice to the annual vacation prescribed by the regulations.

II. TRAIN PERSONNEL.

CONDUCTORS, GUARDS, BRAKEMEN.

ART. 6. The hours of labor will be considered as:

(a) The time employed on the trip according to the train schedule;

(b) the time required for accessory occupations before the departure and after the arrival of the train, counting the whole interval between the arrival of a train and the departure on a subsequent train when this interval is not longer than 1 hour;

(c) One-fourth of the time during which the employee, while not en route, remains in reserve at the station subject to call when needed.

ART. 7. The average duration of daily labor as determined above must not exceed 11 hours per turn (including time in reserve and rest during working hours).

ART. 8. In any one period of 24 consecutive hours the duration of labor, computed as specified in article 6, must not exceed 15 hours.

When, however, the duration of labor exceeds 14 hours the intervals of rest between which the said period of labor is comprised must be at least 10 hours.

ART. 9. The personnel must be accorded a continuous rest of at least 8 hours' duration between each turn when at home, and of at least 7 hours when away from home.

The continuous rests must be separated by intervals (actual labor, presence on duty, rest during work, etc.) of not more than 17 hours, and the number in each working turn must not be less than the number of days over which the turn extends.

When, however, the time is interrupted by one or more periods of inaction of not less than 4 hours, the intervals between the periods of continuous rest may be prolonged, exceptionally, to 19 hours, in which case the rest following must be at least 10 hours long.

When it is not possible to accord the 8 hours' rest at home, the difference must be compensated for by a longer period of rest, either before or after the deviation from this rule, and also by a brief rest during working hours. But the rest must not be less than 7 hours.

ART. 10. Among the continuous rests at home prescribed by the preceding article, there must be at least 12 per year of the duration of 24 hours each, without prejudice to the annual vacation prescribed by the regulations.

III. STATION PERSONNEL.

CHIEF AND ASSISTANT STATION MASTERS, CLERKS AND ASSISTANTS, TELEGRAPHERS, YARD MASTERS, SWITCHMEN, BLOCK-SIGNAL MEN, FOREMEN OF LABORERS, GANG BOSSES, LABORERS.

ART. 11. For every period of 24 hours the duration of labor must be established according to the nature, intensity, and continuity of the normal labor of the personnel:

Up to 10 hours, in cases where the conditions of work are more severe or difficult;

Up to 14 hours, in cases of ordinary work, in which there must be included an intermission of 2 hours or 2 intermissions of 1 hour each;

In exceptional cases, up to 16 hours, in small stations, when there must be an intermission of 4 hours, either at one time or at smaller intervals of not less than 1 hour each.

To the provisions of this article will be added special regulations establishing the maximum time that the switchmen may be put to work in the signal cabins.

ART. 12. Whenever the day and night turns of service alternate, the personnel may not be assigned to continuous night service for more than 7 consecutive nights.

The change of turns is affected by prolonging the service of 1 day up to 16 hours, preceded or followed by a continuous rest of equal duration.

ART. 13. In every period of 24 hours there must be accorded the personnel a continuous rest of 7 or 8 hours, according as the homes of the personnel are in the vicinity of the station or not.

IV. ROAD PERSONNEL.

GATE KEEPERS.

ART. 14. The regular hours of service are 14 in every 24.

ART. 15. The personnel must be accorded daily a continuous rest of a minimum duration of 7 hours, in addition to the time required for going to and from their homes.

ART. 16. In the case of track men, who also serve as gate keepers, the regular hours of service per day must not exceed 13 and the continuous rest must be not less than 8 hours, besides the time necessary to go to and from their homes.

FEMALE GATE KEEPERS.

ART. 17. The regular hours of service must not exceed 12 per day, with a continuous rest at night of not less than 9 hours, which time may be reduced to 8 hours during the summer season.

V. GENERAL PROVISIONS.

ART. 18. The present regulations apply to the personnel expressly specified in the same, also when employed in other work not having a direct connection with the safety of the train service. They apply, moreover, to employees of other classes when assigned to the performance of the duties above specified.

ART. 19. In exceptional instances, and when special circumstances require it in the case of the locomotive and train personnel when away from home, and in the case of stations having but one administrative employee, a deviation from the minimum of 7 hours of continuous rest may be made, if the difference is compensated for by a longer rest either before or after the deviation from the rule, but it must not be below 6 hours.

In this case the working turns of the locomotive and train personnel and that of the stations to which this provision applies must be approved by the governmental inspector-general.

ART. 20. In case of inclement weather, accidents, delays, and other exceptional circumstances extraordinary services may be required of the personnel.

The personnel must not in any case quit the service on account of a prolongation of labor for such a cause.

ART. 21. The operating company must post a schedule and notice of the working turns in such a way that the personnel may take cognizance of it.

It must also transmit a copy of this schedule and notice to the district offices of the royal inspector-general of railways.

(U. S. Labor Bulletin, No. 31, p. 1219.)

BAKERIES, LAUNDRIES.

In *Great Britain*, where bakehouses are subject to the factory acts, a male young person above the age of 16 years may, nevertheless, be employed in the process of bread baking between 5 a. m. and 9 p. m., provided there is allowed between the above-mentioned hours time for meals and absence from work not less than 7 hours. Women may be employed overtime, and children, young persons, and women an extra half hour at the end of the day for the purpose of completing a process that is unfinished, as in the case of factories; but the meal provisions of factory acts requiring employees to have their mealtimes at the same hour, and not to be employed and to remain in rooms in which work is being done during such mealtime, do not apply.

In *Great Britain* laundries are also subject to regulations by special code. The period of employment, exclusive of mealtimes and absence from work, must not exceed 10 hours for children, 12 hours for young persons, and 14 hours for women in any consecutive 24 hours, nor a total of 30 hours for children and 60 hours for young persons and women in any 1 week, in addition to overtime work as may be permitted. A child, young person, or a woman shall not be employed

continuously for more than 5 hours without an interval of half an hour for a meal, and no child under 11 years of age may be employed in a laundry, nor any woman within 4 weeks after she has given birth to a child. Women employed in laundries may work overtime. They may not work more than 14 hours per day, nor more than 2 hours' overtime per day, and not more than 2 days in a week or 30 days in a year. There are various other provisions of sanitary regulations for such shops.

In *Germany* the law of March 4, 1896, provides that bakeries and confectioneries where work is done at night—that is, between 8.30 p. m. and 5.30 a. m.—the duration of the work shift of employees shall not exceed 12 hours per day except when it is broken by a rest of 1 hour, when it may equal 13 hours, including the hour for rest. No employee shall work more than 7 shifts per week. Supplementary work is allowed. The hours of labor must be 2 hours less during the first year of apprenticeship and 1 hour less during the second within the usual hours. Overtime work is allowed on holidays and other special occasions with permission of the authorities, but not on more than 20 days per year, as selected by the employer. In those establishments in which employees are allowed a period of rest 1 day in the week of not less than 24 hours the length of the labor shift on the 2 preceding days may be increased 2 hours.

Norway.—The law of August 16, 1897, prohibits all work in bakeries, with the exception of the preparation of yeast, on Sundays or holidays from 6 p. m. of the preceding day until midnight of the Sunday or holiday, and upon ordinary days between 8 p. m. and 6 a. m. The hours of labor may not exceed 12, including rests, and at least 1 hour must be allowed for dinner. Night work must not be required or permitted for more than 6 nights in 2 weeks. No children under 14 can be employed.

SEC. 5. HOURS OF WOMEN AND MINORS IN FACTORIES AND OTHER SPECIAL OCCUPATIONS.

Great Britain.—The American factory acts were founded on the British acts and naturally resemble them, though they have usually raised the limit of age and in some cases shortened the number of hours permitted. The English law is substantially as follows (U. S. Labor Department Bulletin No. 25, pp. 799 to 806): "Throughout the laws relating to factories and workshops the division of the protected class into children, young persons, and women is always maintained and the conditions of the employment of each are usually different. A 'child' is a person under the age of 14 years. As the employment of children under 11 years of age in a factory or work shop is prohibited, 'child' as used in the acts refers to a person 11 years of age but under 14 years of age; a 'young person' is one 14 years of age and under 18 years, and a 'woman' is a female 18 years of age or over."

In England, children in textile factories must be employed either upon the half-day system, that is in morning or afternoon sets, or on alternate days. The period of employment for a child in the morning set shall, except on Saturdays, begin at 6 a. m. or 7 a. m. and end at 1 p. m., or at the beginning of the dinner time. In the afternoon set, except on Saturdays, work begins at 1 p. m. and ends at 6 p. m. or 7 p. m., according to the time of beginning in the morning. On Saturday, work must begin either at 6 a. m. and end at 12.30 p. m., in the

case of manufacturing processes, and 1 p. m. for other purposes, or, if not less than 1 hour is allowed for meals, at 1 p. m. *in manufacturing processes and at 1.30 p. m. for other purposes; or it may begin at* 7 a. m. and end at 1.30 p. m. or 2 p. m., respectively, with at least one-half an hour for meals. In no case may a child be employed in two successive periods of 7 days in a morning set, nor in two successive periods of 7 days in an afternoon set, nor on two successive Saturdays, nor on Saturday in any week, if on any other day in the same week the period of employment has exceeded 5½ hours. When a child is employed on the alternate-day system the period of employment for such child and the time allowed for meals must be the same as if the child were a young person, but the child shall not be employed on two successive days, and must not be employed on the same day of the week in two successive weeks. Under either system a child must not be employed continuously for any longer period than he could be if he were a young person, without an interval of at least half an hour for a meal. In nontextile factories and workshops children must be employed according to the system of morning and afternoon sets, except in the case of a factory or workshop in which not less than 2 hours are allowed for meals on every day, except Saturday, where the system of employment on alternate days may be followed. The morning set must begin at 6, 7, or 8 a. m. and end at 1 p. m., or dinner time. The afternoon sets begin at 1 p. m., or dinner time and end at 6, 7, or 8 p. m., accordingly. On Saturday the afternoon set must end at 2 p. m., or, if the period on other days ends at 8 p. m., then at 4 p. m. A child must not be employed in two successive periods of 7 days in a morning set, nor in two successive periods in an afternoon set, nor on Saturday in any week in the same set in which he has been employed on every day in the same week. When a child is employed on the alternate-day system work must begin at 6, 7, or 8 a. m., and end at 6, 7, or 8 p. m., except Saturday, when it must end at 2 p. m., or 4 p. m. when work begins at 8 a. m. During this work a period not less than 2 hours must be allowed the child for meals, except on Saturday, when one-half hour will suffice. In no case shall a child be employed on two successive days, nor on the same day in two successive weeks. Under either system a child must not be employed for more than 5 hours without an interval of at least half an hour for a meal.

The foregoing provisions apply to ordinary workshops. In "domestic workshops" the following regulations prevail: Children must work according to the morning and afternoon set system, the alternate-day system not being permitted. The work period is from 6 a. m. to 1 p. m., or from 1 p. m. to 8 p. m., or on Saturday afternoon from 1 to 4 o'clock. Children must not be employed before 1 p. m. in two successive periods of 7 days, nor after that hour in two successive periods in 7 days, nor can a child be employed on Saturday before that hour if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour. A child may not be employed continuously for more than than five hours without half an hour interval for a meal.

In Great Britain in nontextile factories the work period for women and young persons, except on Saturday, shall be from 6 a. m. to 6 p. m., or 7 a. m. to 7 p. m., with not less than 2 hours, of which at least

1 must be before 3 p. m., for meals. On Saturday the work period must either (1) begin at 6 a. m. and end at 12.30 p. m. for manufacturing processes or 1 p. m. for other purposes, or if not less than 1 hour is allowed for meals 1 p. m. for manufacturing processes and 1.30 p. m. for other purposes; or (2) begin at 7 a. m. and end at 1.30 p. m. for manufacturing processes and 2 p. m. for other purposes. In either case not less than half an hour must be allowed for meals. In no case shall a woman or young person be employed continuously for more than 4½ hours without an interval of half an hour for a meal. In nontextile factories and workshops where women and young persons are employed the work period, except on Saturday, must be from 6 a. m. or 7 a. m. to 7 p. m., or 8 a. m. to 8 p. m., with at least 1½ hours, of which 1 hour must be before 3 p. m. for meals. On Saturday the work period must be from 6 a. m. to 2 p. m., or 7 a. m. to 3 p. m., or 8 a. m. to 4 p. m., with at least half an hour for meals. The work period on Saturday may, however, be from 6 a. m. to 4. p. m., provided not less than 2 hours are allowed for meals and the women and young persons so employed are not employed for more than 8 hours on any day in the week, and notice of such nonemployment has been affixed in the factory or workshop and served on the inspector. In no case shall a young person or woman be employed in a nontextile factory or workshop for more than 5 hours continuously without an interval of at least half an hour for a meal.

In a workshop which is conducted on the system of not employing children or young persons, and the occupier has notified an inspector of his intention to conduct his shop on that system, the period of employment for a woman shall, except on Saturday, be a specified period of 12 hours, between 6 a. m. and 10 p. m., with a specified interval of not less than 1½ hours for meals and absence from work. On Saturday the specified period must be for not more than 8 hours, between 6 a. m. and 4 p. m., with a specified period of not less than half an hour for meals and absence.

In domestic workshops there are no restrictions with regard to the employment of women. The period of employment for young persons therein must, with the exception of Saturday, be between the hours of 6 a. m. and 9 p. m., with not less than 4½ hours for meals, and on Saturday be between 6 a. m. and 4 p. m., with not less than 2½ hours for meals. Overtime is allowed as to children, young persons, and women in certain nontextile factories and workshops designated by the secretary of state when necessary to complete an incomplete process, 1 extra half hour at the end of the day, provided, in the case of children, this extra time added to the total hours for the week does not exceed the limit prescribed by law. In the case of women and young persons, when factories driven by water power are liable to be stopped by a drought or flood, under special permission from the secretary of state such operatives may be employed from 6 a. m. to 7 p. m., except on Saturday. When drought is apprehended the special exception shall not be for more than 96 days; in the case of floods for not more than 48 days in any year, and in no case for a longer period than was lost by such causes during the preceding 12 months. Overtime is also allowed in certain special cases to prevent damage. The overtime employment of women is permitted, in addition to the cases mentioned above, in certain specified nontextile factories, workshops, and warehouses when materials are liable to be spoiled

by weather, or when there is a press of work at certain seasons, or a sudden press of orders from unforeseen causes. In these cases women may be employed from 6 a. m. to 8 p. m., from 7 to 9, or from 8 to 10, provided 2 hours, of which half an hour must be after 5 p. m., are allowed for meals; but in no case for more than 3 days in a week or 30 days in a year, and only after permission from the secretary of state. In certain nontextile factories and workshops in which the articles dealt with are of a perishable nature, women may be employed from 6 a. m. to 8 p. m., or from 7 a. m. to 9 p. m., with the same provision for mealtimes. In these cases the women can not be employed overtime more than 5 days in any 1 week nor more than 60 days in a year, and always with permission from the secretary of state. Overtime work on Saturday is in no case permitted to women, young persons, or children.

Changes of hours, that is of the time of beginning and ending work, may generally be authorized in special cases by the secretary of state.

When a child, young person, or woman is employed in a factory or workshop contrary to the provisions of the factory acts the occupier is liable to a fine not exceeding £3, or if the offense was committed during the night £5 for each child, young person, or woman so employed. In the case of domestic workshops the fine is not exceeding £1, or £2 if the offense was committed during the night, for each person. The parent of each young person is liable to a fine not exceeding £1 for each offense.

In *Great Britain* all children, young persons, and women employed in factories or workshops must have the time allowed for meals at the same hour of the day, and none of these three classes shall be employed or be allowed to remain in a room in which a manufacturing process is being carried on during any part of the time allowed for meals.

France.—The act of November 2, 1892, applies to all labor of children, female minors, and women in workshops, factories, mines, quarries, yards, or premises belonging to the same, of whatever nature, whether public or private, only excepting establishments where none but members of the family are employed under the direction of the father, mother, or guardian, and no steam or other mechanical power is used, and which are not classed as dangerous or unhealthy.

No woman over 18 years of age can be employed at actual labor for more than 11 hours per day, broken by one or more intervals of rest of a total duration of at least 1 hour.

In *Germany* the Bundesrath has provided special legislation concerning the hours and conditions of labor of women and children in the following industries:

India-rubber works (order of July 21, 1888); glass works (order of March 11, 1892); wire-drawing mills (order of March 11, 1892); chicory works (order of March 17, 1892); sugar refineries and factories (order of March 24, 1892); forges and rolling mills (order of April 29, 1892); textile factories in hackling and other preparing rooms (order of April 29, 1892); spinning works (order of December 18, 1893); preserving factories (order of March 11, 1898); brick and tile works (order of October 18, 1898). (See U. S. Labor Bulletin No. 27, pages 356 to 363.)

No distinction is made between girls and boys under 16. Women over 16 may not be employed more than 11 hours per day, or 10 hours on the days preceding Sundays and days preceding holidays nor at night between 8.30 p. m. and 5.30 a. m., or on Saturdays or days preceding holidays after 5.30 p. m., and women must be given 1 hour's rest in the middle of the day, and women over 16 who have

household duties to perform must at their request be dismissed before the noon intermission when the latter is not at least 1½ hours long. Women are not allowed to work during the 4 weeks following confinement, which may be extended to 6 weeks upon a physician's certificate. The Bundesrath has general authority to draw up regulations for the employment of women and children in special industries. Exceptions to the rules above set forth may usually be granted in special cases by the local authorities, and in same manner for work overtime, etc. And the Bundesrath has further authority to allow continuous work in special industries or at special seasons of the year. The orders of the Bundesrath may relate to the whole German Empire or only to certain districts. They must be published in the official journal and be placed before the Reichstag at its next session.

Belgium. In Belgium the law relating to hours of employment of women, children, etc., applies to a greater number of industries than either the American or the English laws on the same subject, including pretty much everything except agricultural occupations and the employment of the members of one family under the direction of the father, etc. In detail, the law of December 13, 1889, applies to work performed by women, young persons, and children in (1) mines and quarries; (2) factories and workshops; (3) establishments classed as dangerous, unhealthy, or nuisances, and all establishments making use of steam boilers or mechanical motive power; (4) ports, wharves, and stations; (5) transportation by land or water. Public as well as private establishments are included, even those of a charitable nature or where technical instruction is given. There is no legislation as to the labor of adult males (which includes all men over 16 years of age) nor as to that of adult females (women over 21 years of age), except that they are not permitted to work during four weeks following confinement. The employment of children under 12 is absolutely prohibited. Boys between 12 and 16 and girls between 12 and 21 are generally subject to the same regulations. The King has power to promulgate decrees restricting their employment in particular industries. Women under 21 can not be employed at all in underground work in mines or quarries. The royal decrees of February 19, 1895, and April 15, 1898, absolutely prohibit the employment of boys under 16 and girls under 21 in 21 kinds of establishments, mostly chemical. In 45 others, having to do chiefly with chemical, animal, and vegetable products, the employment of boys and girls under 16 is prohibited. In certain other departments the employment of boys and girls under 16 and boys and girls under 14, respectively, is prohibited, and there are special sections regulating the employment of boys and girls in match and rubber works.

By the law of 1889 boys under 16 and girls under 21 must not be employed more than 12 hours per day, divided by intervals of rest, the total duration of which must not be less than 1½ hours, nor after 9 p. m. nor before 5 a. m., nor more than 6 days in each week. But these conditions may be modified in special industries by a royal decree. The law further requires the King to issue decrees regulating the daily hours of labor, as well as the duration and conditions of rest, so far as concerns boys under 16 and girls under 21 in every industry, profession, or trade, according to the nature of the occupation, and many such decrees have been issued, notably that of December 26, 1892, generally restricting the labor of such boys or girls to from 9 to 11½ hours per day, with three intervals for rest having a total duration of 1½ hours.

(See also decrees of December 26, 1892, May 1, 1894, September 8, 1894, March 15, 1893, and November 3, 1898, applying to mines and to metal industries and fish-canning works, which permit the employment of boys and girls for a time not exceeding 10½ or 11 hours, respectively, a day, with intervals for rest as above.) The hours for labor must always be posted in the factory or workshop, showing the hours at which work begins and the intervals allowed for rest or meals. Boys and girls must be provided with pass books showing their name, age, and address, and the name and address of the father, mother, or guardian. The heads of industrial establishments violating these laws are subject to heavy fine, and the father, mother, or guardian causing or permitting his child or ward to be employed contrary to these provisions is also subject to a fine.

In *Austria* the employment of women and children was regulated generations before such restrictive legislation was attempted in other countries. Thus, the royal order of November 20, 1786, prohibited the employment of children under 9 in factories, and this was made absolute by decree of June 11, 1842, which order prescribed that children under 9 must have had 3 years' schooling before being so employed. The code of 1859 made the minimum age 10 years and regulated the conditions under which children under 16 might be employed. The law of March 8, 1885, now in force, makes a distinction between factory operatives and other industrial workers subject to the code in factories. The regular employment of children under 12 is prohibited. From 12 to 14 they may only be employed in kinds of work not detrimental to health and which do not prevent their securing the prescribed schooling, but not for more than 8 hours per day. The minister of commerce, with the consent of the minister of the interior, has full power to prohibit the employment of minors in industries of a dangerous or unhealthy character. Women must not be employed during the 4 weeks immediately following confinement. Night work between 8 p. m. and 5 a. m. is prohibited to children under 16. The minister of commerce, etc., has authority to make certain exceptions to this rule. Persons employing children under 16 must keep a special register, showing their names, addresses, ages, and the names and addresses of their parents or guardians and the dates of entering and leaving service.

In factories no children under 14 can be regularly employed, and those under 16 only upon light work not detrimental to health, etc., and no children or women can be employed at night except by special permission of the minister of commerce. The total number of hours in any one day can not exceed the legal work day of 11 hours.

In iron works boys between the ages of 14 and 16 years of age who work in regular shift-changing branches (smelting furnaces, coke ovens, rolling mills) as puddlers' helpers, greasers or oilers, wheelers or general helpers, etc., may be employed at night.

In glass works boys from 14 to 16 years of age may be employed at night in the work of opening and closing the forms in which the glass is blown, in the carrying away of the blown articles to the cooling ovens, and in similar light labor.

In bed-feather cleaning and preparing women over 16 years of age may be employed at night.

In machine lace works women over 16 years of age may be employed at night in putting bobbins in the carriages when the work is organized in shifts.

In the manufacture of fez women over 16 years of age may be employed until 10 p. m., provided that the 11-hour working day is not exceeded.

In paper mills children from 14 to 16 years of age and women may be employed at night as far as they are engaged in continuous operations.

In sugar factories and refineries children from 14 to 16 years of age and women may be employed at night as far as they are engaged in continuous operations.

In preserving factories children from 14 to 16 years of age may be employed at night when the operations in which they are engaged can not be postponed without danger that the articles will be spoiled.

Generally, when overtime work is permitted on account of accidents, press of work, etc., with the result that the hours of labor extend into the night, children from 14 to 16 years of age and women may be employed in such work, notwithstanding that it is at night.

The law further provides that all children under 18 years of age must be allowed time in which to attend existing industrial evening and Sunday schools (preparatory, finishing, apprenticeship, and technical). A provision of law, which, however, is not embraced in the industrial code, furthermore provides that where children employed in factories and large establishments are thereby prevented from attending Government schools that their employers, either alone or by uniting forces, shall establish schools of their own for the instruction of the employees in the regular branches taught in the public schools. In such schoolt at least 12 hours' instruction must be given weekly, and these hours must fall between 7 a. m. and 6 p. m., exclusive of the dinner hour as noon.

Norway.—Young persons from 14 to 18 may not be employed more than 10 hours per day, and those between 14 and 16 only at light work. Children and young persons under 18 must have in the morning and in the afternoon an intermission of at least one-half an hour if the period of work does not exceed 4½ hours. Young persons must in addition have an interval of rest of at least 1 hour after dinner when their hours of work exceed 8 hours per day. During meal hours children and young persons are not allowed to work or remain in the workrooms unless the machinery, etc., is at rest. Children and young persons under 18 may not work before 6 a. m. or after 8 p. m., and women not during the 4 weeks following confinement, except that in establishments where the nature of the work requires it young persons may be employed at all hours of the day and night, but not more than 10 hours per day, and the provision concerning the rest intervals, etc., may be modified according to the exigencies of the work, as in the case of emergencies, etc., or in industries which are especially subject to press of orders during certain periods of the year, and upon permission from the inspector.

The law of *Sweden* is substantially the same (November 18, 1881). The intervals of rest must amount to 2 hours, of which at least 1½ hours must be before 3 p. m. Boys from 14 to 18 may work 12 hours a day in mines and metal works. (June 22, 1885.)

Russia.—The only special restrictions upon the employment of persons from 15 to 17 or women of any age relate to night work. That is, such persons can not be employed between 9 p. m. and 5 a. m. in textile or other industries designated by the minister of finance and the interior, with certain exceptions in the case of 9-hour shifts, etc.

New Zealand.—Following is the definition of the act as to what is meant by employed:

A woman, or person under 18 years of age, who works in a factory or workroom, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of a factory or workroom used for any manufacturing purposes or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with any manufacturing process or handicraft, or connected with the article made or otherwise the subject of any manufacturing process or handicraft, shall, save as is otherwise provided by this act, be deemed to be employed within the meaning of this act. For the purposes of this act an apprentice shall be deemed to work for hire.

No person under 18 and no woman shall, except on half holidays, be employed continuously in any factory or workroom for more than 4½ hours without an interval of at least half an hour for a meal. For boys and girls under 16, see below. Women may not be employed during the 4 weeks following confinement. Overtime is allowed on 28 days in a year, not exceeding 3 hours in each day and not on 2 consecutive days, and it must be paid for at the original rate, notice to the inspector of permission to work such overtime having been granted, and a list of such persons working overtime must be kept by the inspector.

No woman or person under 16 employed in any factory or workroom shall be permitted to take meals in any rooms in which any manufacturing process or handicraft is being carried on, and the occupier of every factory or workroom in which more than 6 women or persons under 16 are employed must provide a fit and proper room for meals.

South Australia.—Children under 13 may not be employed in factories, or young persons between 13 and 16 and women not more than 48 hours per week, with overtime up to 60 hours a week allowed, not to exceed 100 hours per year; women and young persons not to be employed for more than 5 hours without an hour of meal interval, and not to be allowed during mealtimes in the factory. Factories are registered and information required in much detail of the requirement for inspection, posting of notices, etc.

Queensland.—No child under 14 can be employed in any factory, and no male under 16 and no female for more than 48 hours in any 1 week, nor for more than 5 hours without a half an hour meal interval, with provision for 3 hours' overtime, not exceeding 52 days in a year. No male under 16 or female under 18 can be employed between 7 p. m. and 6 a. m. Provision is made for the regulation of dangerous or unhealthy industries, so that persons under 16 can not be employed in them. There are the usual provisions for separate eating rooms and seats for females, etc., with special regulations of bakeries, and there is a very thorough system for the inspection of factories, with the usual requirements as to records, posting of notices, etc.

Ontario.—A child is a person under 14, a young girl a female between 14 and 18, and a woman a female over 18. No child can be employed in any factory, except during the months of July, August, September, and October, in the gathering or preparing of fruits and vegetables. The lieutenant-governor has jurisdiction to prohibit the employment of girls under 18 and boys under 16 in factories where the work is dangerous or unwholesome. A penalty is imposed for

employing in any factory children or women so that their health is likely to be permanently injured, and it is declared that such would be considered the case if any child or woman is employed more than 10 hours per day in any 1 week, unless a different proportionment of the hours of labor is made for the sole purpose of giving a shorter day's work on Saturday. One hour at noon must be given for mealtime, and the usual provisions follow for meal places outside the factory rooms. Except by special disposition, women can not be employed later than 7 p. m., and there are the usual provisions for posting notices of hours, etc., but it will be seen that the Ontario legislation does not essentially differ from that of the Australian and American States upon this subject.

Quebec.—In establishments classified by the lieutenant-governor as "dangerous, unwholesome, or inconvenient," the age of the employees shall not be under 16 years for boys and 18 years for girls or women; for other establishments, 12 and 14, respectively. No person under 18 and no woman or girl can be employed more than 10 hours in 1 day or 60 hours in a week, with the usual change of apportionment for a shorter day's work on Saturday and 1 hour for mealtime. Except in the case of accidents, the law is much the same as the Massachusetts law.

Manitoba.—The factory act of July 5, 1900, is substantially the same as that of Ontario quoted above, except that in Ontario a child is a person under 14, while in Manitoba the corresponding limit is raised to 16, and women under the age of 18 are considered girls within the meaning of the law. No child can be employed in factories, and the lieutenant-governor may prohibit the employment of girls under 18 and boys under 16 in factories which he deems dangerous or unwholesome. No woman or young girl can be employed for more than 8 hours per day, and there are the usual provisions for employment of dangerous machinery, mealtimes, holidays, etc.

LABOR OF CHILDREN ABSOLUTELY FORBIDDEN.

In *Great Britain* the employment of women and children at night, except in the case of overtime work elsewhere mentioned, is absolutely prohibited. Male young persons may be employed at night in certain cases in specified industries.

In *Great Britain* no child under 11 years of age may be employed in a factory or workshop; no person under 15 in works for decorating (stamping) china or porcelain. (Order of January, 1899.) In a factory no child or young person under the age of 16 shall be employed for more than 7 days without a certificate from the certifying surgeon of the district that the child is fit for employment, with certificate of birth or other proof of age. In both factories and workshops the certifying surgeon may require the employment of young persons under the age of 16 unfit for work to be discontinued. Managers of workshops may voluntarily obtain certificates for all employees under the age of 16 if the secretary of state requires them.

In *France* no person under 18 and no woman can be employed between the hours of 9 p. m. and 5 a. m., except that work is permitted between 4 a. m. and 10 p. m., and when it is performed by means of two shifts, neither of which exceeds 9 hours, broken by a rest of at least 1 hour's duration. The Government can designate certain indus-

tries in which women over 18 can be employed under prescribed conditions until 11 o'clock at night, but not for more than 60 days during the year, and never for more than 12 hours per day. It may also designate industries to be permanently exempt from all restrictions regarding night work, but the work can in no case exceed 7 hours in the 24. It can, in the same way, grant a temporary exemption to specified industries, and any inspector can grant temporary exemptions for a definite period when work has been interrupted by accident, etc.

In *France* no child under 12 can be employed or admitted in any establishment embraced under the provisions of the act, and no child under 13 who is not furnished with a certificate of primary education, in accordance with the law of March 28, 1882, and a certificate of physical fitness from an authorized examining physician. The factory inspector may also at any time require any child under 16 to be examined for the purpose of ascertaining whether the work given to it is too great for its strength, and in such cases order its employment to be discontinued. Each child under 18 must be provided with a pass book, showing his name, age, place of birth, and present address, and each child under 13 must have a certificate of primary education, which is furnished gratuitously by the mayor to the parents or guardian. Upon the children accepting employment the book must be given into the hands of the employer, who must enter in it the dates at which the child enters and leaves his service.

Germany.—By the law of 1891 all employment of children under 13 in industrial establishments is absolutely prohibited, and children between 13 and 14 can not be employed more than 6 hours per day, which must be broken by a rest of at least half an hour, and children between 14 and 16 not more than 10 hours per day, broken by intervals of rest of at least 1 hour in the middle of the day and half an hour in the morning and in the afternoon, during which intermissions they must not be employed in any way in the factory, and may only be permitted to remain in the workrooms if their own machinery is completely stopped, or when on account of bad weather or sickness. For persons under 16 work must not begin before 5.30 a. m. nor continue later than 8.30 p. m., nor can these persons be employed on Sundays or holidays or during the time set aside by their pastor for religious service and instruction.

Holland. In the Netherlands the law of 1874 absolutely prohibits the employment of children under 12 in factories and workshops, and the King may, by order, prohibit absolutely or under specified conditions the employment of children under 16 or of women in factories, etc., in certain kinds of work presenting danger to health or life. No children under 16 or women can work before 5 a. m. or after 7 p. m., nor more than 11 hours per day, though the King may vary the hours in certain industries, but in no case shall children under 14 or women be permitted to work before 5 a. m. or after 10 p. m. In exceptional cases the governors of the provinces or mayors of towns may authorize different hours for a small number of days successively. Children under 16 and women must have one hour's rest between 11 a. m. and 3 p. m. They may not be employed on Sunday, and women can not be employed during the 4 weeks following confinement. Children under 16 may not be employed without cards giving the name and address of the child and its guardian and employer, and the date and place of its birth. A list of women and children so employed must be posted in the factory, etc.

The royal orders of July 15, 1891; August 11, 1892; January 21, *1897, and June 24, 1898, prohibit the employment of children under 16* and women in various specified kinds of work in factories, such as oiling and cleaning machinery in motion, or work in places above a certain temperature, or with limited room, etc. Article 2 prohibits the employment of children under 16 or women in various dangerous industries, such as arsenic, white lead, verdigris, phosphorus or chemical matches, zinc, dry polishing, and other industries peculiarly subject to noxious dust or gases. The order also makes provision for air space, etc.—roughly speaking, 247 cubic feet per person. These provisions in detail may be found in U. S. Labor Bulletin No. 30, pages 1037 to 1040. An exception is made providing for Sunday labor of women and children in the case of certain operations in the butter and cheese industries by the Queen's order of March 27, 1897.

In *Russia* the employment of children under 12 years of age in any industrial establishment, public or private, is absolutely prohibited. Children from 12 to 15 years of age may not be employed more than 6 hours in each 24, exclusive of meal times, school attendance, and rest, with not more than 4 hours' continuous labor at any time, and no work permitted between 9 p. m. and 5 a. m., nor on Sundays or legal holidays. In establishments which are operated for more than 18 hours per day, with two shifts, children may be employed for 9 hours per day, provided not more than 4½ hours' continuous work is required. The object of this is to encourage establishments to do away with continuous work for 24 hours, and thus do away with night work and shorten the hours of daily labor to 9 hours per day.

In Russia the law of 1882 prohibits the employment of children under 12 in factories, etc., and limits the hours of labor of children from 12 to 15 to 8 hours per day, and with provision for factory inspection and other protective measures. The law of June 3, 1885, prohibits night work by women and children under 17 in textile industries.

Furthermore, the ministers of finance and of the interior are directed to designate the kinds of work recognized as dangerous to the health of children not yet 15 years of age, to whom such work is accordingly prohibited. Thirty-six categories of industries were thus indicated by the order of May 14, 1893.

Italy.—The law of September 17, 1886, absolutely prohibits the employment of children under 9 in industrial establishments, quarries, or mines, and all children under 10 below ground. Children from 9 to 15 may be permitted to work only when provided with physician's certificate, and may not be employed in dangerous or unhealthy work. Children between 9 and 12 must not be employed more than 8 hours per day. By the royal order of September 17, 1886, the law (February 11, 1886) is made to apply to any place where manual labor is executed with the use of mechanical motors, no matter what the number of persons employed may be, or any place at all where at least 10 persons are employed in a permanent manner. Where children are employed a declaration must be made to the local authorities. All children between 9 and 15 so employed must procure from the mayor of their commune a pass book showing date of birth, health, and their period for work according to a medical examination, the names and addresses of their parents or guardians, whether they can read and write, and have been vaccinated. The employer preserves the pass book as long

as the children are in his employ, and a register of all such children is kept posted in the factory. Work performed at night is considered unhealthy work, that is, children under 12 may not be so employed, and children from 12 to 15 may not be employed more than 6 hours at night.

The hours of work of children must be broken by a period of rest for meals when the work period exceeds 6 hours. Children must not take their meals nor remain during such rest period in places where dangerous or unhealthy work is being performed.

The amendment of January 5, 1899, to the law of September 17, 1886, declared night employment "unhealthy," so that it is absolutely forbidden to children under 12 and limited to 6 hours for children between 12 and 15.

Norway.—Children under 12 may not be employed in any kind of factory or industrial establishment. Children from 12 to 14 may be employed upon a physician's certificate, but not more than 6 hours per day and light tasks not injurious to health.

No employer may engage a child or young person under 18 without seeing his certificate of birth. He must keep a record of all such children and young persons employed by him, showing names, ages, residences, dates of commencing and leaving work, the name and social position of their parents or guardians, and, when necessary, the hours set apart for schooling, and records and certificates must always be produced to the inspectors.

Young persons from 14 to 18 must not be employed in night work, nor in any manner of work more than 12 hours in 24.

Sweden.—The law of November 18, 1881, prohibits the employment of children under 12 in factories and other industrial establishments.

Denmark.—By the law of May 23, 1873, children under 10 years must not be employed in factories. Children between 10 and 14 must not be employed more than 6½ hours per day, inclusive of the rest of one-half an hour, and not before 6 a. m. or after 8 p. m. Young persons of both sexes between 14 and 18 must not be allowed to labor more than 12 hours daily, or before 5 a. m. or after 9 p. m., with intervals of rest of not less than 2 hours in all, coming between 8 a. m. and 6 p. m., one-half an hour of which must be before 3 p. m., included. Children, etc., must not be allowed to remain during their meal hours in the workrooms nor be employed on Sundays or church holidays. Women and children must, so far as possible, be kept apart from adult male workers, both during work hours and the rest intervals. In case of especially unhealthy or laborious work the minister of the interior can by order fix stricter regulations than the above, and can entirely prohibit the employment of young persons under 18. He may also grant exemption from the general restrictions, but not to permit children to be employed at night. Denmark has the usual provisions for birth and age certificates of inspection by physicians, school requirements, the keeping of a register by the employer, etc. Children and young persons are not permitted to clean machinery in motion, and the moving parts of machines must be kept screened or protected from them.

New Zealand.—Children under 14 may not be employed in any factory or workroom, except in small factories where not more than 3 persons are employed, in special cases, with the sanction of the inspector. No person under 16 can be so employed unless the occupier of the

factory has obtained a certificate of his or her fitness for employment in that factory, which may be granted by the inspector of the district, and specifies the age of such person and that he is fit for the employment. This certificate must be produced to the inspector at any time. Boys under the age of 16, and all women, may not be employed for more than 48 hours in any one week nor at any time between 6 p. m and 7.45 a. m. Overtime upon written consent of the inspector is allowed for a period not exceeding 3 hours in any day and not on more than 28 days in a year nor on more than 2 consecutive days, and such overtime must be paid for at the rate agreed upon above ordinary rate of wage, but in no case less than sixpence per hour. Written notice of the desire to work overtime must be given the inspector, and the permission granted be posted in the factory. Overtime on half holidays may be allowed on only 5 such half holidays in each year. The inspector keeps a list of the names of all women and young persons for whom permission to work overtime has been granted.

New South Wales.—Children under 14 may not be employed in factories, and males under 18 and all women must not be employed continuously for more than 5 hours without half an hour for meal interval. No male under 16 and no female shall be employed more than 48 hours in any one week with 3 hours overtime allowed on not more than 30 days in the year; and males under 16 and females under 18 may not be employed between 7 p. m. and 6 a. m., nor any female during the 4 weeks following confinement.

Sec. 6. Dangerous Machinery in Factories.

Great Britain.—A child or young person is not allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power. A young person or woman shall not be allowed to clean such part of the machinery as is mill gearing, the means by which power is transmitted, while in motion. In using self-acting machines no child, young person, or woman may work between the fixed and traversing part of any self-acting machine while in motion. Nor shall any person be allowed to be in the space between the fixed and traversing portions of a self-acting machine unless the machine is stopped, with the traversing portions on the outward run. And the act of July 6, 1896, provides that the traversing carriage of any self-acting machine shall not be allowed to run out within a distance of 18 inches from any fixed structure not being a part of the machine, if such space is one over which any person is liable to pass.

In Great Britain the employment of children and young persons is prohibited in any part of a factory or workshop in which there is carried on the process of silvering mirrors by the mercurial process or the making of white lead. A child or female young person shall not be employed in any part of a factory in which the process of melting or annealing glass is carried on. A girl under the age of 16 years shall not be employed in a factory or workshop where the making or finishing of bricks or tiles, other than ornamental tiles, or the making or finishing of salt is carried on. A child shall not be employed in the part of a factory or workshop in which any dry grinding in the metal trade or the dipping of lucifer matches is carried on. A child, young

person, or woman shall not be employed in any part of a factory in which wet spinning is carried on unless sufficient means be employed and continued for protecting the workers from being wetted and where hot water is used for preventing the escape of steam into the room occupied by the workers.

Places prohibited for meals.—The order of March 23, 1896, extends the prohibition (for women and children to eat their meals) to a long list of factories or processes of manufacture in rooms.

In *France* the employment of both women and children is prohibited in unhealthy or dangerous establishments except under special conditions determined by Government regulations, and the Government may absolutely forbid the employment of women and children in work involving danger, a too great expenditure of strength, or influences prejudicial to morality.

Holland.—The royal decree of January 31, 1897, creates a list of many kinds of employment in which the labor of boys and girls under 16 is forbidden in a general way, corresponding to our list against their employment upon dangerous machinery in mills or in begging, immoral occupations, etc. The Dutch law is perhaps the most complete and thoroughly systematized that can be found upon this subject, and may be found in the Belgian Labor Annual for 1898, pages 267 to 276.

In *Italy* children must not be employed in tending motors or cleaning machinery or means of transmitting power while in motion.

In *Norway* women and children may not be employed in cleaning or oiling machinery or in visiting the recess in which machinery moves while it is in motion or in changing belts, pulleys, etc. Young persons under 18 must not be employed in tending steam boilers or machines requiring great care.

In Norway the King may promulgate orders for industries which are considered especially dangerous or fatiguing to prescribe special measures of precaution, the maximum duration of labor of children and young persons, to prohibit absolutely the employment of children and young persons or of women before confinement in all respects stricter than the general law requires.

New Zealand.—In New Zealand persons under 18 may not be employed in parts of factories or work rooms in which there is carried on the process of silvering mirrors by the mercurial process or the process of making white lead. Boys under 14 and girls under 18 in such places where the process of melting or annealing glass is carried on; girls under 16 not where the making or finishing of bricks or tiles, not being ornamental tiles, and the making and finishing of salt is carried on. Neither boys nor girls under 16 where any dry grinding in the metal trades or the dipping of lucifer matches is carried on. No child can be employed in any grinding in the metal trades other than dry grinding or in friction cutting. No woman or person under 18 can be employed where wet spinning is carried on unless sufficient means be employed and continued for protecting the workers from being wetted and from preventing the escape of steam.

No girl under 15 shall work as typesetter in any printing office.

New South Wales.—The law is substantially identical with that of New Zealand as set forth above.

SEC. 7. MINES, SHOPS, STORES, ETC. (See also Chap. IV, Sec. 2.)

MERCANTILE AND ALLIED ESTABLISHMENTS.

Great Britain.—The conditions of labor in stores and similar establishments are regulated by the two acts of 55 and 56 Vict., c. 62, passed in 1892, and 56 and 57 Vict., c. 67, passed in 1893. These two acts, though similar in purpose to the factory acts, are not considered as constituting a part of those acts. Their enforcement, therefore, does not constitute a part of the duties of the factory inspectors.

These laws provide that no young person, by which is meant a person under the age of 18 years, shall be employed in or about a "shop" for a longer period than 74 hours, including mealtimes, in any one week. Shop is defined by the act to mean retail and wholesale shops (stores), markets, stalls, and warehouses in which assistants are employed for hire, and includes licensed public houses and refreshment houses of any kind. Shops where the only persons employed are members of the same family, dwelling in the building of which the shop forms a part or to which the shop is attached, and members of the employer's family so dwelling, or any person wholly employed as a domestic servant, are expressly excluded from the provisions of these acts.

No young person shall to the knowledge of his employer be employed in or about a shop having been previously on the same day employed in any factory or workshop for the number of hours permitted by the factory and workshop acts, or for a longer period than will together with the time during which he has been so previously employed complete such number of hours. The penalty for contravention of any of these provisions is a fine not exceeding £1 ($4.87) for each person so employed.

The enforcement of the acts is left to the local authorities. The council of any county or borough, or in the city of London the common council, may appoint such inspectors as they may think necessary for this purpose, and when so appointed these inspectors have much the same powers as inspectors under the factory acts.

Germany.—In Germany children under 14 can not be employed peddling in streets or public places, nor in itinerant work from town to town.

France.—No child under 13 can be employed in theaters or music halls, but special permission may be granted in exceptional cases; and the employment of children under 16 as professional beggars, acrobats, etc., in strolling theatrical companies is also prohibited.

Holland.—In Holland the royal order of January 21, 1897, article 8, absolutely prohibits the employment of women or children under 16 in mines.

Italy.—The law of November 20, 1859, prohibited the employment of children under 10 years of age in underground work or mines.

Norway and Sweden.—Women and children must not be employed below ground in mines and other similar establishments. In Sweden boys from 14 to 18 are allowed to work in mines not more than 12 hours per day.

Norway.—Children under 14 years must not be employed in bakeries.

New Zealand.—In New Zealand the act of 1894 applies to the labor of women and persons under 18 in shops, limiting the time to 52 hours

in any one week, exclusive of mealtimes, and 9½ hours, excluding mealtimes, in any one day, except that on one day in each week 2 hours' overtime may be done, and there are 40 days in the year overtime up to 3 hours for the purpose of stock taking. No such woman or young person can be employed more than 5 consecutive hours without half an hour interval for refreshments, and notice must be posted in the shop.

New South Wales.—Males under 16 and females under 18 may not work in shops more than 52 hours per week, or 9½ hours per day, except on one day in the week with 3 hours' overtime. The law in other respects resembles that of New Zealand, quoted above.

Queensland.—Males under 16 and females may not work in or in connection with any room for a longer time than 52 hours in any one week, exclusive of mealtimes, or 9½ hours per day, except on one day of the week, when 2 hours' overtime is allowed, and 3 hours' overtime is allowed upon any day not exceeding 52 days in a year. No such persons can be employed continuously for more than 5 hours without an interval of half an hour for meals. Apothecaries, restaurants, etc., are subjected to special provisions, as in other Australian colonies.

Western Australia.—There is an elaborate early closing act (October 28, 1898). The law resembles that of Queensland. (See above.)

Ontario.—The regulation of labor in shops (Revised Statutes, 1897, ch. 157) follows closely the chapter regulating labor in factories. No child under 10 can be employed, and no children or women before 7 a. m. or after 6 p. m., with 1 hour for mealtime; but exception is made of the Christmas holidays. Seats are required for females, and a register must be kept.

Sec. 8. Educational Restrictions upon Child Labor.

In *Great Britain* no child under 13 can be employed in a factory, workshop, or elsewhere before he has reached the standard of education fixed by the local by-laws for total or partial exemption from attending school. A child under 13 who has fulfilled these conditions, and a child between 13 and 14 who has not received a school certificate, must continue to attend a school one attendance each workday if employed according to the morning or afternoon set system, or two attendances on the alternate day if employed according to that system. The standard of proficiency to exempt a child from these requirements is in reading, writing, and arithmetic, as fixed by the secretary of state, and the standard of "previous attendance" is 250 attendances a year for 5 years in not more than 2 schools in each year, after the scholar has reached the age of 5. The regulations in Scotland and Ireland are slightly different. A child who has received these certificates above described is deemed to be a "young person" for all purposes of the factory acts. The obligation of seeing a child employed in factories and workshops attend school primarily falls upon the parents, but the employer must also obtain certificates of attendance. A sum not over one-twelfth of the child's weekly wages, or 3d. per child, may be deducted from the wages, upon application of the school authorities, as a school fee.

Germany.—In Germany no child may be employed in factories until they have fulfilled the local requirements for school attendance. All employees under 18 must be permitted to attend finishing schools or

SEC. 7. MINES, SHOPS, STORES, ETC. (See also Chap. IV, Sec. 2.)

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These laws provide that no young person, by which is meant a person under the age of 18 years, shall be employed in or about a "shop" for a longer period than 74 hours, including mealtimes, in any one week. Shop is defined by the act to mean retail and wholesale shops (stores), markets, stalls, and warehouses in which assistants are employed for hire, and includes licensed public houses and refreshment houses of any kind. Shops where the only persons employed are members of the same family, dwelling in the building of which the shop forms a part or to which the shop is attached, and members of the employer's family so dwelling, or any person wholly employed as a domestic servant, are expressly excluded from the provisions of these acts.

No young person shall to the knowledge of his employer be employed in or about a shop having been previously on the same day employed in any factory or workshop for the number of hours permitted by the factory and workshop acts, or for a longer period than will together with the time during which he has been so previously employed complete such number of hours. The penalty for contravention of any of these provisions is a fine not exceeding £1 ($4.87) for each person so employed.

The enforcement of the acts is left to the local authorities. The council of any county or borough, or in the city of London the common council, may appoint such inspectors as they may think necessary for this purpose, and when so appointed these inspectors have much the same powers as inspectors under the factory acts.

Germany.—In Germany children under 14 can not be employed peddling in streets or public places, nor in itinerant work from town to town.

France.—No child under 13 can be employed in theaters or music halls, but special permission may be granted in exceptional cases; and the employment of children under 16 as professional beggars, acrobats, etc., in strolling theatrical companies is also prohibited.

Holland.—In Holland the royal order of January 21, 1897, article 8, absolutely prohibits the employment of women or children under 16 in mines.

Italy.—The law of November 20, 1859, prohibited the employment of children under 10 years of age in underground work or mines.

Norway and Sweden.—Women and children must not be employed below ground in mines and other similar establishments. In Sweden boys from 14 to 18 are allowed to work in mines not more than 12 hours per day.

Norway.—Children under 14 years must not be employed in bakeries.

New Zealand.—In New Zealand the act of 1894 applies to the labor of women and persons under 18 in shops, limiting the time to 52 hours

Easter Monday, and the King's birthday; also every Saturday after 1 p. m., with certain exceptions in the newspaper business. Wages must be paid for these holidays and half holidays at the full rate of ordinary working days, provided such persons have not been employed 20 days, which need not be consecutive, preceding the holiday, or 5 days in case of a half holiday who are paid by time wages.

The law of 1894 requires seats to be provided for females employed in shops, and there must be no rule prohibiting them from being seated except when actually engaged in employment.

New South Wales.—Every occupier of a factory or shop must furnish suitable seating accommodations for his female employees and permit them to use them when the proper performance of their duty is not interfered with, and there must not be less than 1 seat for every 3 female employees.

Western Australia.—A similar law was passed December 16, 1899.

LABOR OF MARRIED WOMEN.

The German civil code has some interesting provisions concerning the labor of married women, as follows:

SEC. 1356. A married woman has both the right and the obligation of keeping house. She is obliged to attend to all domestic labor and the affairs of her husband in so far as such labor or occupation is usual according to the social condition of the married persons. Section 1357 provides that the woman is supreme within her sphere or at least that she has power to act or bind her husband in domestic matters. Generally speaking, the husband can not limit her powers without a divorce or something corresponding to our separation without divorce. The husband may, however (section 1358), annul any contract made by his wife for her personal labor with a third party unless he has agreed to such contract or is ill or absent, etc. Section 1359 provides that in performance of these conjugal obligations either husband or wife is only bound to the same degree of care that they would apply to their own affairs.

LABOR AFTER CHILDBIRTH.

The laws of European countries generally forbid the employment of women in factories within 4 weeks after childbirth.

And in Switzerland it is forbidden to employ pregnant women in certain occupations, such as match factories, lead works, mercurial processes, benzine cleaning, rubber works, or in carrying heavy burdens, or where exposed to violent shocks. And the same law (December 31, 1897) forbids the labor of children between 14 and 16 in or about moving machinery, dynamos, leather belting, circular saws, explosive or inflammable matter, etc.

New Zealand.—The employment of boys or girls without payment. Protection act of October 21, 1899, provides that any persons under 18 employed under any pretext at any labor in a factory workshop are entitled to a minimum wage of 4 shillings a week for girls, and 5 shillings for boys.

SEC. 10. SUNDAYS AND HOLIDAYS.

In *Great Britain* all Sunday work in factories or workshops by children, young persons, and women, is prohibited except in certain cases of night work and when both employer and employees are of the Jewish religion, in which case there are special regulations. In addition

to Sunday and Saturday afternoons all children, young persons, and women employed in a factory or workshop must be allowed at least 6 additional holidays. For England and Wales these holidays are Christmas, Good Friday, and the four bank holidays.

In France women and children under 18 can not be employed for more than 6 days a week nor on legal holidays. Sunday need not, however, be selected as a day of rest, nor need all employers have the same. The holidays are Christmas, New Years, Ascension Day, Assumption Day, All Saints Day, Easter Monday, Pentecost Monday, and July 14. Exemptions from holiday work may be granted in special cases.

France.—The law of August 10, 1899, provides that in the case of public work one day of rest must be allowed workmen during the week and the contract must so state. (Chap. 1, Art. B, sec. 2.) The same law applies to work done for each day. By another decree of the same date, law applies to communes as well.

In Germany industrial labor on Sunday is generally prohibited by the code of June 1, 1891, but this does not apply to agricultural labor, forestry, fishing, and concerts, theaters, hotels, and the like, nor to transportation generally. The usual holidays are Christmas, Easter, and Pentecost. Wide authority is given to the Bundesrath, and the superior and local authorities to make exceptions to these rules, and a general order was made by the Bundesrath February 5, 1895, as to Sunday labor.

In *Austria* no industrial or commercial work can be performed on Sunday or holidays without special permission from the Government, except such as is necessary to maintain the needs of the public, etc. Provision is made by law for an opportunity to the workingmen when employed on Sundays, to attend divine service. Sunday work is permitted for not more than 10 hours per day immediately before Christmas and other holidays, and there are several other exceptions permitted by the special authorities.

In *Russia* there are the following holidays besides Sundays: January 1 and 6, March 25, August 6 and 15, September 8, December 25 and 26, Good Friday and the Saturday following, Ascension Day and the second day of Pentecost, but workingmen, by agreement, may work on Sunday instead of some one week day.

Norway.—No work must be performed from 6 p. m. of the day preceding a Sunday or holiday until the day following the Sunday or holiday, or, if two holidays follow each other, until 10 p. m. of the second holiday, unless such work is indispensable from the nature of the industry upon decision of the inspectors. In such establishments, employees must not work more than every other Sunday, unless the factory inspectors recognize that this rule is impossible; exceptions, of course, made for urgent repairs, and the King may promulgate dispensatory orders.

Denmark.—In Denmark factories may not be operated on Sundays between 9 a. m. and midnight, and stores must be closed after 9 a. m. on Sundays and holidays. Exceptions may be permitted by the minister of the interior in certain circumstances, as where the factory makes use of irregular natural forces, such as wind or water, but in this case the permission to work Sundays can not be for more than 26 days in a year. In other industries the employee must be left free from work at least every other Sunday.

Holland.—The law, March 5, 1889, forbade the labor on Sundays

of women and children under 16 in factories and shops generally. By the royal decree of March 27, 1897, an exception is made of dairies.

Roumania.—The law of February 28, 1897, requires holidays on Sundays and feast days, forbidding both factory and shop labor. It has the original provision (art. 9) that if in a town three-fourths of a trade so vote, the town government must enact an entire holiday throughout the Sunday, etc., for that trade.

ART. C.—PAYMENT OF WAGES, FINES, DEDUCTIONS, COMPANY STORES, ETC.

(Many of the provisions covered by this article are in foreign countries found only in the factory acts; i. e., they do not apply to general labor, but only to factory hands. Such is the case in Switzerland and Germany and other countries. See Chapter LV, section 1, Factory Acts below.)

SEC. 1. DEDUCTIONS FROM WAGES FOR IMPERFECT WORK AND OTHER CAUSES.

Great Britain.—Under the Anti-Truck Acts (see sec. 3 below) no deduction shall be made from the wages of employees for sharpening or repairing tools, except by agreement not forming a part of the conditions of hiring.

No deduction from wages shall be made for or in respect of any fine unless the deduction is made in accordance with a contract to that effect, and particulars in writing showing the acts or omissions in respect of which the fine is imposed and the amount of the fine are supplied to the employee on each occasion such deduction is made. Furthermore, the employer can not make any contract providing for fines to be met by deductions from wages unless (1) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen, and in such a position that it may be easily seen, read, and copied by any person whom it affects, or the contract is in writing, signed by the workman; (2) the contract specifies the acts or omissions in respect of which the fine may be imposed, and the amount of the fine or the particulars from which that amount may be ascertained; (3) the fine imposed under the contract is in respect of some act or omission which causes or is likely to cause damage or loss to the employer, or interruption or hindrance to his business, and (4) the amount of the fine is fair and reasonable, having regard to all the circumstances of the case.

No deductions shall be made for or in respect of bad or negligent work, or injury to the materials or other property of the employer, unless the deduction is made in accordance with a contract to that effect, and particulars in writing, showing the acts or omissions in respect of which the deduction is made and the amount of the deduction, are supplied to the workman on each occasion when a deduction is made. No contract providing for such deductions shall be made unless (1) the terms of the contract are posted or reduced to writing, as provided in the case of fines; (2) the deduction provided for by the contract does not exceed the actual or estimated damage or loss occasioned to the employer, and (3) the amount of the deduction is fair and reasonable, having due regard to all the circumstances of the case.

Finally, no deduction shall be made for or in respect of the use or supply of materials, tools or machines, standing room, light, heat, or

for or in respect of any other thing to be done or provided by the employer in relation to the work or labor of the workman, unless the deduction is made in pursuance of a contract to that effect, and particulars in writing, showing the things in respect of which the deduction is made and the amount of the deduction, are supplied to the workman on each occasion when a deduction is made. No contract shall be made providing for such deductions, unless (1) its terms are posted or reduced to writing, as above provided in the case of fines; (2) the sum to be deducted does not exceed, in the case of materials or tools supplied to the workman, the actual or estimated cost thereof to the employer, or in the case of the use of machinery, light, heat, or any other thing, a fair and reasonable rent or charge, having regard to all the circumstances of the case.

Any workman or shop assistant may recover any sum deducted by his employer contrary to the provisions of the truck acts, provided that proceedings are commenced within 6 months from the date of the deduction, and that where he has consented to or acquiesced in the deduction he shall only recover the excess that has been deducted over the amount, if any, which the court may find to have been fair and reasonable.

The secretary of state has power to exempt any trade or business from the foregoing provisions regarding deductions for imperfect work, materials furnished, etc., when satisfied that they are unnecessary for the protection of the employees in that trade, but such orders must be laid immediately before both houses of Parliament, who can within 40 days annul the same.

The hosiery act (37 and 38 Vict., c. 48) provides for the payment of wages without stoppages in hosiery manufacture, except for bad workmanship; forbids the renting or charging for the use of frames. The act of 1895 makes elaborate provisions for the furnishing of particulars, of the rate of wages, amount allowed, etc. In all cases of piecework and for the use of automatic indicators a penalty not exceeding £10 is imposed upon any person engaged as a worker in any factory or workshop who discloses such particulars for the purpose of divulging a trade secret.

France.—The law of 1850 requires employers in giving out thread or yarn to be wound or woven to inscribe in a book belonging to the employees certain particulars describing the work to be done and the price to be paid, and the Government may extend this requirement to other branches of the textile trade.

In *Belgium* deductions can only be made from the wages of an employee on account of fines duly provided for by the shop regulations, indemnities for badly made work or the improper use of materials, contributions due for aid and provident funds, materials furnished necessary for the work, and advances of cash made to the employee, but not in excess of one-fifth of the wages.

In *Germany* deductions may be made from wages for breaches of the labor contract, injury to goods, breakages of machinery, etc., and to enforce the payment of fines when previously agreed upon.

In *Russia* the imposing of fines upon employees is prohibited except in cases of negligence, absence, or infraction of shop rules. Negligence includes the injury of materials, and the absence must extend to at least one-half a day.

Infractions of shop regulations for which fines may be imposed are also specified in some detail. The total amount of fines imposed must not

exceed one-third of the wages due the workman for any work period. If the employee is liable to fines beyond this he should be discharged.

Norway.—Deductions from wages shall only be made when agreed to by the employee or in pursuance of the factory regulations. The product of fines must be paid to the sick fund designated by a competent minister. Deductions on account of defective work or damage to materials are not considered as fines. These provisions apply to establishments with no shop rules, and all contracts with employees contrary to this law are void.

Western Australia.—No deductions shall be made from a workingman's wages for sharpening or repairing tools, except by agreement not forming a part of the condition of hiring.

SEC. 2. WEEKLY PAYMENT LAWS, ETC.

In *Great Britain* act of 46 and 47, Vict., C. 31, the payment of wages in a saloon where intoxicating liquors are sold is prohibited. For other provisions see sec. 3, below.

In *Belgium* wages not in excess of 5 francs per day must be paid at least twice a month. In piece and task work a partial or final adjustment of wages due must be made at least monthly. The permanent deputations may authorize employers to deduct from their employees' wages charges for the supply of food, clothing, and fuel furnished at cost price in such industries and under such conditions as they deem proper.

In Austria wages can not be paid in any place where intoxicating liquors are sold. (See below, Art. C., sec. 2.)

Germany.—Employers are required to reckon wages in the money of the Empire and to pay them in cash. Employees must not be charged with goods furnished them except under the following conditions: Food may be furnished at actual cost price; the use of land and dwellings may be permitted at the rental customary in the vicinity; fuel, light, regular board, medicine, and medical attendance, as well as tools and materials, may be supplied at their average cost price, and the proper deduction be made from wages on this account.

In Germany the payment of wages can not be made in restaurants or saloons without permission from the authorities, and the money must be paid to the workingmen themselves, not to third parties, except in cases of attachments. All contracts in violation of the provisions concerning the payment of wages generally are null and void, as are all agreements between employers and employees regarding the purchase of necessities by the latter at certain stores.

In the case of contract work, tools and materials may be furnished at more than their cost price provided that the price has been previously agreed upon and does not exceed that usually charged in the neighborhood. This higher price is permitted so that the workingmen will be prevented from selling the tools or materials to other parties at a profit.

In all cases the goods, etc., must be furnished directly by the employer and not through a third party, and this can only be done with the consent of the employees.

Payment of wages can not be made in restaurants and saloons without the permission of the lower administrative authorities. The money must be paid to the workingmen themselves and never to third parties for the satisfaction of debts, etc., except as provided by the law in respect to attachments.

If wages are paid otherwise than as above provided, the employees may nevertheless at any time demand their payment according to law, and any defense that may be interposed to the effect that something else has been given in lieu of wages will be held invalid. In this case, if any supplies received are still on hand, they must be turned over to the sick fund to which the employee belongs, and if there is no such fund to the local workingmen's relief fund designated by the communal authorities, and in the absence of such a fund, to the local charity fund. When payments have been made to third parties, they will be considered as null and void.

All contracts in violation of the above provisions are null and void. The same nullity attaches to all agreements between employers and employees regarding the purchase of necessities by the latter from certain stores, or regarding the application of the wages of the employees to any purpose other than their participation in institutions for improving their condition or that of their families. This, however, does not apply to deductions from wages which are authorized by law on account of the breaking of the labor contract, injury to goods, breaking of machinery, etc. Claims for goods furnished and credited in violation of this law can not be sued for by the creditor, nor can they be charged against the debtor, nor made good in any other way, no matter whether the claim is made directly or transferred to another party.

All the provisions regarding the payment of wages apply equally to members of families of employees, to managers, overseers, etc.

Deductions from wages can be made by employers to secure themselves against loss on account of a breach of the labor contract, or to enforce the payment of fines when they have been previously agreed upon, not in excess of one-fourth of the wages due, nor more than the average wages for one week. Agreements may, however, be made for larger deductions to secure employers against loss on account of the loss or destruction of materials.

In addition to these general provisions, applicable to the whole Empire, the individual communes, or a union of communes, are authorized to enact regulations, for all or for specified industries, of the following character: (1) That wages must be paid at fixed intervals of time, which must not be longer than one month nor shorter than one week; (2) that wages earned by minors must be paid to the parents or guardians, or that they shall only be paid to the minors upon the written authorization of the parents or guardians, or upon the acknowledgment by the latter of the receipt of the previous wages; (3) that the employers must report to the parents or guardians at certain intervals of time the amount of wages paid to minors.

Russia.—Wages must be paid once a month at least, and twice a month if the duration of the contract is undetermined. In the case of piecework wages must be paid as agreed upon in the contract or upon completion of the work. For withheld wages the workingman is entitled not only to wages due, but to damages not exceeding two weeks' wages in addition.

Norway.—Wages must be paid as often as once a week and in the establishment.

New Zealand.—The entire amount of wages earned by or payable to any workingman must be actually paid at intervals of not more than one month if demanded (The Truck act, August 29, 1894.)

South Australia.—Wages must be paid at least as often as once a month, notwithstanding provisions in the employment contract to the contrary.

Western Australia.—In the absence of an agreement in writing to the contrary, the entire amount of wages earned by or payable to any workman engaged or employed in manual labor shall be paid to such workingman at intervals of not more than one week. (Law of October 28, 1898.)

SEC. 3. MONEY OF WAGE PAYMENTS.

The English Truck acts of 1831 to 1896 apply generally to all workmen except domestic servants. The enforcement of their provisions is by the factory or mine inspector.

Workingmen must be paid the full amount of their wages in the current coin of the realm, except that, if they so agree, payment can be made in bank notes or checks payable on demand. Any contract providing for the payment of wages otherwise than as above provided will be treated as null and void. If payment, in whole or in part, has been made in kind, the employee can nevertheless sue for the payment of his full wages in money, and the employer can not bring forward as a set-off any goods supplied by himself or any store in which he is interested. Neither can the employer maintain an action against an employee to recover the value of goods furnished as a part of wages.

To this general provision the following exemptions are, however, permitted: When the employee so consents, and a written agreement to that effect has been made, the employer can furnish, as a part of the former's wages, medical supplies and attendance, fuel, materials, tools, and implements to persons engaged in mining; hay, corn, or other provender for horses or other beasts of burden used by employees in their trade; a house for dwelling purposes, and food prepared and eaten in the house of the employer. In no case shall the deduction made on account of such advantages furnished be in excess of their true and real value. In agriculture the laborer can be furnished with food, nonintoxicating drinks, a cottage, and other allowances or privileges in addition to money wages.

All contracts between employers and employees imposing conditions regarding the place where or manner in which wages shall be expended are illegal and void. To this provision, which was contained in the law of 1831, the act of 1887 added that "no employer shall, by himself or his agent, dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended."

An employer can advance to his employees money to be used in making payments to a friendly society or savings bank duly established according to law, or for their relief in cases of sickness, or for the education of their children, and a contract can be made providing for regular deductions to be made from wages for this latter purpose. When deductions are made from the wages of the employees for the education of their children, or in respect to medicine, medical attendance, or tools, the employer or his agent must, at least once in each year, make out a correct amount of the receipts and expenditures in

respect of such deductions and submit the same to be audited by two auditors appointed by the employees, and shall produce to the auditors all such books, vouchers, and documents, and give them all other facilities as are required for such audits. When it has been the custom for employers to make advances on wages, such advances must be made without interest or other charges.

Belgium.—The law of August 16, 1887, provides for the payment of workingmen in coin or legal current notes. Deductions may be made for (1) lodgings; (2) the use of a plot of ground; (3) tools furnished; (4) materials furnished; (5) uniforms or special dress furnished, if the employees are required to wear such. The last 3 articles must not be reckoned at a price greater than cost. Wages must not be paid in saloons, stores, or shops.

Germany.—Under the act of June 1, 1891, employers are required to reckon wages in the money of the Empire and to pay them in cash, except if they furnish at actual cost price the use of land and dwellings at the customary rental; and fuel, light, board, medicine, and medical attendance, as well as tools and materials, may be supplied at their average cost price, provided such price has been previously agreed upon, with the object of preventing workingmen from selling their tools or materials to other parties at a profit.

Austria.—The truck system was prohibited by law as early as 1791. Wages must be paid in cash, except that by previous arrangement money due for dwelling accommodations, fuel, and use of land, medicines and medical aid, and goods manufactured in the establishment may be deducted, also the furnishing of food or regular board at not exceeding cost price; but no employee shall be required to trade at a particular store, nor shall the employer supply other goods, especially drinks, upon credit, to be afterwards settled for out of wages. Wages may not be paid in any place where intoxicating liquors are sold. Contracts in violation of these regulations are null and void. Full wages may be demanded in cash, without regard to what workingmen may have received in kind, except as above permitted, and the employer has a right to collect at law claims for goods furnished on credit in violation of the law.

Russia.—In Russia the industrial code requires all wages to be paid in cash, but a cooperative distributive society may conduct operations for the sale of supplies, with the price to be approved by the inspector of factories.

In no case can wages be retained to pay the debts of employees, except in case of employers who have advanced goods or money to enable them to obtain necessary articles or the furnishing of necessary articles, taken from the factory supplies, but in such case the amount retained must not exceed in all one-third of the wages due, or one-fourth in the case of a married man or parent. The employers can not receive interest on their advances, and no part of the wages can be retained for medical attendance or for the use of tools furnished to employees.

Norway.—Wages must in general be paid in cash.

New Zealand.—The act of 1891 provides that all workingmen must be paid in cash, and in the case where there is a customary advance this advance must be made without discount or interest of any kind. All contracts for the payment of wages otherwise than in money, or for making deductions or charges for advances of any sort, are declared

illegal and void, and no employer can make any condition as to place or manner in which wages are to be paid. In actions brought for wages the employer can not set off any claims by reason of supplies furnished, nor can he sue for such supplies if furnished on account of wages, but contracts may be made that payment or payments may be made without contracts in checks, drafts, or orders for money payable to the bearer on demand and drawn upon the bank or banker, provided that if such checks are dishonored the employee receiving them may recover reasonable damages in addition to the amount. There are, however, the following exceptions to the above rule: (1) Where an employer or his agent supplies or contracts to supply to any workingman any medicine or medical attendance, or any fuel, materials, tools, appliances, or implements to be by such workingman employed in his labor; (2) for the necessary outfit furnished workingmen employed to fell bush, not exceeding 2 months' wages; (3) for hay, corn, or other provender furnished horses or beasts of burden used by such workingmen; (4) for rent of a tenement or part of one; (5) for food, dressed or prepared under the employers' roof, or drink, not being of an intoxicating nature, there consumed; (6) deductions or stoppages of wages may be made on all the above-mentioned accounts; (7) for advances to a workingman of money for his dues to friendly societies, life insurance companies, etc.; (8) for any such supplies furnished to seamen or persons employed in agricultural or pastoral pursuits.

It would seem that in New Zealand the exceptions are rather greater than the law and in effect nullify it.

There is also the act of 1899, entitled the "Wages protection act," which prevents employers from making deductions from the wages of their employees for the payment of premiums on accident insurance policies to the insurance companies. These are forbidden from taking any money from any worker for premiums upon any policy which in any way purports to indemnify both the employee and the employer against any of his liability under the employers' liability acts.

Western Australia.—The act of October 9, 1899, provides that in every contract or understanding for the employment of a workman wages must be paid in money or orders on a bank payable to bearer on demand, and any provision in contravention to the foregoing is illegal and void. The entire amount must be paid in money, and in an action brought by the employee no set-off is allowed for goods under any circumstances, nor can the employer sue for the same except (1) where, according to written agreement, necessaries to be paid for by deduction from wages are furnished during not more than the first 6 weeks of service of the workingman; (2) where it is agreed that the employer shall furnish medical attendance or supplies or any fuel, materials, tools, etc., to be used by the workman in his labor; 3) the necessary outfit and support not exceeding 2 months' wages supplied to workingmen engaged to fell bush or clean land; (4) hay or other provender for horses or beasts of burden used by him; (5) rent of a tenement furnished under agreement as part remuneration; 6) food or unintoxicating drink furnished by agreement under the employer's roof; (7) wages may be reduced by deductions to repay advances made for dues to friendly societies, insurance companies, or the relief to the employee or his family in case of sickness; (8) the act does not apply to sailors or to persons employed in agricultural or pastoral pursuits, or engaged on cattle stations. All these deductions

must, however, be by agreement, and may not exceed the true value of the materials, etc., furnished. If by custom a workman is entitled to receive part of his wages in advance, it is not lawful for an employer to withhold such advance or make any deduction in respect of such advance on account of discount, interest, etc.

SEC. 4. COMPANY STORES, ETC.

Western Australia.—An employer is prohibited from directly or indirectly making it a condition of employment in any way that wages shall be spent in a particular place or in a particular manner.

SEC. 5. RELIEF SOCIETIES, CHARITABLE FUNDS, ETC. (See Chap. XII, Art. C, State Insurance.)

New Zealand.—The law of October 19, 1899, forbids the withholding of wages for or compulsory payment of accident insurance premiums.

ART. D.—REGULATIONS OF THE GENERAL LABOR CONTRACT AS TO HEALTH, MORAL CONDITION, ETC.

Great Britain (Conspiracy and Protection of Property Act, 1875).—Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, willfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall, on summary conviction, be liable either to pay a penalty not exceeding £20 [$97.33] or to be imprisoned for a term not exceeding 6 months, with or without hard labor.

Germany.—The Labor Code (sec. 120*a*) provides that employers of labor are under the duty of providing proper space for the operations of machinery and utensils and so to maintain them and regulate their use that his employees are protected against danger to life or health so far as possible and the nature of the trade permits. In particular is the employer to take all possible precautions to secure sufficient light, space, and air, to provide against dust or vapors caused by the employment, etc., and to make the proper regulations or operations to protect the employees against danger from machinery or other dangers of the trade, fire, etc., and in so far as possible to take every precaution to render the trade free from all danger. (See also German law of 1891, as set forth under Chap. IV, sec. 1.)

(SEC. 120*b*.) Employers of labor are also charged with the duty of making all possible arrangements for the separation of the sexes in the interest of morality, and in particular to furnish proper toilet conveniences, etc.

(SEC. 120*c*.) Special provision is made for the sanitary condition and moral regulation of employees under the age of 18.

Sweden.—The code of 1864 contains a broad provision that factory operators and masters in the handicraft trades should be mindful of the health of their employees (Willoughby).

Russia.—In Russia the law of August, 1886, makes it obligatory upon factory owners and operators whose establishments include more

han 100 workingmen to provide a hospital with at least one bed to ach 100 employees.

In Russia the civil code undertakes to set forth the reciprocal moral obligations of employers and employees toward each other, the duty on the part of the employee to be faithful, obedient respectful, and o maintain good order, and on the part of the employers to be just nd kind toward their employees, to pay their wages fully and promptly, and not to impose on them work not comprehended in the abor contract.

New South Wales.—The masters and servants act of 1857 makes rigid provisions concerning the compulsion of the parties to a labor contract to fulfill their engagements. Any servant or employee failng to keep his contract or is guilty of misconduct can be compelled by the court to pay a fine up to £10, and in default of payment be imprisoned for a period not exceeding 14 days, and in lieu thereof—at the discretion of the magistrate—the whole or part of his wages due may be forfeited. The fraudulent securing of money or goods by a servant on account of future wages to be earned can be punished by imprisonment up to 3 months, and so as to the willful spoiling or losing of the employer's goods. The master can also obtain compensation for loss resulting from negligent injuries in the same way, and if not paid by the servant the latter may be imprisoned for not more than 14 days. Summary provision is also made for the settlement of other differences between masters and servants, and it is to be noted that none of the above provisions, in so far as they provide for imprisonment, apply to females.

Queensland.—In Queensland also, by the act of 1861, if a pecuniary compensation or indemnity awarded can not be recovered, the person breaking the labor contract may be imprisoned for not more than 3 months. Wages may be recovered by a summary process, and differences between employers and their employees may be settled by two or more justices of the peace in a summary way. The act does not, however, permit the imprisonment of females.

Western Australia.—The master and servants act of 1892 provides for summary jurisdiction by a justice of the peace over disputes between employers and employees, giving powers to the justice to annul the contract, order abatement, impose fines, etc. If the order directs the fulfillment of the contract which requires security the person in default for want of such security may be committed to jail, but the jurisdiction of the justices of the peace does not extend to cases where the amount claimed exceeds £50.

ART. E.—AS TO ENFORCEMENT OF THE LABOR CONTRACT BY INJUNCTION OR OTHERWISE.

The principle of law forbidding the specific enforcement of the labor contract is peculiar to Anglo-Saxon countries. In continental countries it is not unusual for statutes, national or local, or local or municipal ordinances, to regulate or attempt to regulate the enforcement of engagements for personal services. The principle is so foreign to our ideas that it seems unnecessary to go into the matter in much detail. Such general provisions as are contained in the French or German codes will be found in Article A above.

SEC. 1. DIRECT ENFORCEMENT.

No specific law providing for direct enforcement of the labor contract has been found in the general statutes of any continental country. Sections 611 and 631 of the German Civil Code (see Art. A, sec. 4, above) provides that the employee is "bound for the performance of the work agreed upon." It does not appear, however, that there is any remedy other than damages, and this remedy, of course, is allowed in English and American law, but usually proves elusive. There appears to be no corresponding provision in the French Civil Code. The Code Napoleon, section 1142, provides that "every obligation to do or not to do resolves itself into damages in the case of nonperformance on the part of the debtor."

Great Britain.—"The employers and workmen act of 1875" (38 and 39 Vict., c. 90), while not ordering the remedies in equity by an injunction or otherwise, provides a special and summary remedy in the county court for labor disputes; that is to say, in addition to common-law remedies the county court is specifically clothed by this statute with power: (1) To adjust and set off all claims on the part of the employer of workmen arising out of or incidental to the relation between them, whether liquidated or unliquidated, and whether for wages, damages, or otherwise; and (2) if, having regard to all the circumstances of the case, it thinks it just to do so, it may rescind any contract between the employer and the workman upon such terms as to the apportionment of wages and other sums due thereunder, and as to the payment of wages or damages or other sums due, as it thinks just; and (3) where the court might otherwise award damages for breach of contract it may, if the defendant be willing to give security and the plaintiff to accept it, for the performance of so much of his contract as remains unperformed accept such security and order performance of the contract accordingly, in place either of the whole of the damages which would otherwise have been awarded or some part of such damages. Such security shall be an undertaking by the defendant and one or more sureties that he will perform his contract under penalty of a specified sum, and any sums paid by a surety under such a contract shall be deemed a debt due to him from the defendant, and the court may summarily order payment to the surety of such sum. It will be observed that this remedy amounts to specific performance of the contract, but only in case both parties agree to the giving of the security for this performance instead of money damages. There are also extensive provisions for courts of jurisdiction not exceeding £10, and such courts have also jurisdiction of disputes between master and apprentice. In this act the expression "workman" does not include a domestic or menial servant, but otherwise means any person who, being a laborer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labor, whether under the age of 21 or above, has entered into or works under a contract with an employer, expressed or implied, oral or in writing.

SEC. 2. PENALTY FOR BREACH OF THE CONTRACT FOR SERVICE IN PUBLIC WORKS, ETC.

No American State has yet made rules affecting strikes, etc., in public works, but by the English conspiracy act (38 and 39 Vict., c.

86) where a person employed by a municipal authority or by any company or contractor upon whom is imposed by act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or place, or any part thereof, with gas or water willfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of the city, borough, town, or place, or part, wholly or to a great extent, of their supply of gas or water, he shall, on conviction thereof by a court of summary jurisdiction or on indictment as hereinafter mentioned, be imprisoned for a term not exceeding 3 months, with or without hard labor. Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted at the gas works or waterworks, as the case may be, belonging to such authority or company or contractor a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed shall cause it to be renewed with all reasonable dispatch. If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding £5 for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted as aforesaid, in pursuance of this act, shall be liable on summary conviction to a penalty not exceeding 40 shillings.

In the case of a child, young person, or woman subject to the provisions of the factory acts (1833 to 1874), any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work, except to the amount of the damage, if any, which the employer may have sustained by reason of such absence or leaving work. (See Art. C, sec. 1.)

ART. F.—AS TO INTERFERENCE WITH THE LABOR CONTRACT BY OTHERS, INTIMIDATION, ETC.

SEC. 1. GENERAL STATUTES PROHIBITING INTIMIDATION OF ORDINARY EMPLOYEES.

The matter of interference with laborers desirous of employment is usually left, in continental countries, to the police jurisdiction, but in England exists the most elaborate legislation upon this subject, which has formed the basis of all the statutes of our States.

Great Britain.—The conspiracy and protection of property act of 1875 (38 and 39 Vict., c. 86) provides that every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing wrongfully and without legal authority, (1) uses violence to or intimidates such other person or his wife or children, or injures his property; or (2) persistently follows such other person about from place to place; or (3) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or (4) watches or besets the house or other place where

such other person resides or works or carries on business or happe to be, or the approach to such a house or place; or (5) follows su other person with two or more persons in a disorderly manner in through any street or road, shall, on conviction thereof, by a court summary jurisdiction, or on indictment as hereinafter mentioned, liable either to pay a penalty not exceeding £20, or to be imprisor for a term not exceeding 3 months, with or without hard labor.

Germany.—In Germany the labor code of 1869 provides that ar one, whether employer or employee, who seeks to induce anotl person or other persons by physical force, threats, insults, or injur to take part in any combination or organization, or to induce anotl or others to withdraw from such combination or organization may punished by imprisonment for not more than 3 months.

Italy.—Whoever, by means of violence or menaces, restrains impedes in any way the liberty of industry or of commerce, shall punished by imprisonment for not exceeding 20 months and by a f of from 100 to 3,000 lire ($19.30 to $579).

Whoever, by violence or menaces, occasions or causes to continu cessation or suspension of labor, in order to impose either on t workingmen or on the employers or contractors a diminution increase of wages or conditions differing from those previously agre upon, shall be punished by imprisonment not exceeding 20 months.

Leaders in the offenses above enumerated are liable to terms imprisonment varying from 3 months to 3 years, and to a fine of fr 500 to 5,000 lire ($96.50 to $965).

Sweden.—The New York statute is followed, with an added spec cation against so compelling a person to take part in a strike or refu work (July 10, 1899).

SEC. 2. INTIMIDATION IN RAILWAYS, MINES, AND OTHER SPECIAL CASES.

There appears to be no special legislation on this subject in Eu pean countries. In England the law relating to services in pul works will be found in Article E, above. Railways in continen countries being largely owned by the state, there would seem no ne of such particular legislation for their protection.

SEC. 3. INTERFERENCE BY ENTICING.

Germany.—By the German law the employer who persuades a wor ingman to break an existing labor contract before its expiration liable for damages to the same extent as an employee. (See Art. sec. 5.) In like manner an employer is liable if he employs or reta a workingman whom he knows to be still under contract with anotl employer.

Austria.—In Austria the proprietor of an establishment who acce the services of an employee, knowing at the time that the latter l not legally severed his relations with a former employer, or who kee such a person in his employ thereafter, becomes jointly liable with t employee for the damages sustained by the former employer; and t same liability attaches to an employer who induces an employee break his labor contract with another, and the former employer l the right to compel the employee to return and complete the unexpir term.

ART. G.—AS TO THE DUTIES AND LIABILITIES OF THE EMPLOYER TO THE EMPLOYEE.

SEC. 1. GENERAL LIABILITY.

Great Britain.—The conspiracy, etc., act of 1875 provides that "where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, willfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall, on summary conviction, be liable either to pay a penalty not exceeding £20, or to be imprisoned for a term not exceeding 6 months, with or without hard labor."

New Zealand.—Wages not exceeding £50 may be sued for and recovered in a summary way, and if on levy the amount due is not realized the master may be committed to jail for a period not exceeding 14 days. The unlawful detention of the wearing apparel or other property of the servant is punishable by a fine not exceeding £5.

SEC. 2. EMPLOYERS' LIABILITY ACT—GREAT BRITAIN.

The whole system of the liability of employers has been revolutionized in England by the legislation brought about by Mr. Chamberlain—the workmen's compensation act of 1897 (60 and 61 Vic., chap. 37). A most excellent account of this act and the changes that it effected in the common law will be found in the Belgian Annual, 1897, page 206, and following. There is also a text-book on this act, together with the employers' liability act of 1880, which preceded it, embodying the rules of procedure thereunder, and forms by Alfred Henry Ruegg. It is quite out of the question to set forth these acts at length. The Chamberlain act, it should be noted, embodies the novel and, to English jurisprudence, extraordinary principle that one person may be liable for an injury to another which was not caused in any degree by his own breach of legal duty or that of his agents or servants. He is made insurer of his workmen against loss caused by injuries which may happen to them while engaged in his work. This insurance is limited in extent but, save for one exception, quite irrespective of causes. The new liability includes, further, all injuries caused by negligence of workmen for whose act the employer was not previously responsible, and in most cases by the negligence of the injured workman himself. The act applies to about 8 out of 15 classes of industrial laborers in England, and in a general way to those industries which are considered as the more dangerous industries, transportation as well as factories, but not to sailors or mariners, nor, of course, to agricultural labor or personal service. After July 1, 1898, every employer in Great Britain became liable to pay the compensation given by this act to any of his workmen who suffer personal injury arising out of or in the course of their employment at or near the locality where the work is being carried on. The only exception is where the injury was caused by the serious or willful misconduct of the workman injured.

The employers' liability act of 1880 (43 and 44 Vic., chap. 42) is not repealed, but exists side by side with the workmen's compensation act. When the new liability overlaps the old the workman has the choice of remedies, though he is not thus enabled to obtain double

compensation. The indemnity under the later act is limited. Frequen when he is sure of his cause and proof is easy, it may be better f him to proceed under the employers' liability act, which more nea resembles the common law. No action of law can be brought unc the new act, but there is a system of arbitration regulated in t county courts which determines controversies with an appeal from t arbitrator upon points of law. Contracting out of the act is forb den, except in the one case of the substitution therefor of a scheme compensation approved by the Government authority, as not less fav able to the workman than the provisions of the act. The employer liable in spite of any contracting out.

Following is the text of the act:

EMPLOYERS' LIABILITY ACT, 1880.

(43 and 44 Vict., cap. 12.)

AN ACT to extend and regulate the liability of employers to make compensa for personal injuries suffered by workmen in their service. (September 7, 188

Amendment of law.

1. Where, after the commencement of this act, personal injur caused to a workman—

(1) By reason of any defect in the condition of ways, works, chinery, or plant connected with or used in the business of the ployer; or

(2) By reason of the negligence of any person in the service of employer who has any superintendence entrusted to him whilst in exercise of such superintendence; or

(3) By reason of the negligence of any person in the service of employer to whose orders or directions the workman at the time the injury was bound to conform and did conform, where such inj resulted from his having so conformed; or

(4) By reason of the act or omission of any person in the servic the employer done or made in obedience to the rules or bye-laws of employer, or in obedience to particular instructions given by any p son delegated with the authority of the employer in that behalf; o

(5) By reason of the negligence of any person in the service of employer who has the charge or control of any signal, points, locor tive engine, or train upon a railway—

the workman, or, in case the injury results in death, the legal perso representatives of the workman, and any persons entitled in cas death, shall have the same right of compensation and remedies agai the employer as if the workman had not been a workman of nor the service of the employer, nor engaged in his work.

Exceptions to amendment of law.

2. A workman shall not be entitled under this act to any right compensation or remedy against the employer in any of the follow cases; that is to say—

(1) Under subsection one of section one, unless the defect ther mentioned arose from or had not been discovered or remedied, ow to the negligence of the employer, or of some person in the servic the employer, and entrusted by him with the duty of seeing that ways, works, machinery, or plant were in proper condition.

(2) Under subsection four of section one, unless the injury resul from some impropriety or defect in the rules, bye-laws, or instructi therein mentioned: *Provided*, That where a rule or bye-law has b approved or has been accepted as a proper rule or bye-law by one Her Majesty's principal secretaries of state, or by the board of tr or any other department of the Government, under or by virtue of a act of Parliament, it shall not be deemed for the purposes of this to be an improper or defective rule or bye-law.

(3) In any case where the workman knew of the defect or ne gence which caused his injury, and failed within a reasonable time give, or cause to be given, information thereof to the employer, or so person superior to himself in the service of the employer, unless was aware that the employer or such superior already knew of said defect or negligence.

Limit of sum recoverable as compensation.

3. The amount of compensation recoverable under this act shall not exceed such sum as may be found to be equivalent to the estimated earnings, during the three years preceding the injury, of a person in the same grade employed during those years in the like employment and in the district in which the workman is employed at the time of the injury.

Limit of time for recovery of compensation.

4. An action for the recovery, under this act, of compensation for an injury shall not be maintainable unless notice that injury has been sustained is given within six weeks, and the action is commenced within six months from the occurrence of the accident causing the injury, or, in case of death, within twelve months from the time of death: *Provided always*, That in case of death the want of such notice shall be no bar to the maintenance of such action, if the judge shall be of opinion that there was reasonable excuse for such want of notice.

Money payable under penalty to be deducted from compensation under act.

5. There shall be deducted from any compensation awarded to any workman, or representatives of a workman, or persons claiming by, under, or through a workman, in respect of any cause of action arising under this act, any penalty or part of a penalty which may have been paid in pursuance of any other act of Parliament to such workman, representatives of any workman, or any person claiming by, under, or through such workman, for compensation in respect of any cause of action arising under this act, and payment has not previously been made of any penalty or part of a penalty under any other act of Parliament in respect of the same cause of action, such workman, representatives, or person shall not be entitled thereafter to receive any penalty or part of a penalty under any other act of Parliament in respect of the same cause of action.

Trial of actions.

6. (1) Every action for recovery of compensation under this act shall be brought in a county court, but may, upon the application of either plaintiff or defendant, be removed into a superior court, in like manner and upon the same conditions as an action commenced in a county court may by law be removed.

(2) Upon the trial of any such action in a county court before the judge, without a jury, one or more assessors may be appointed for the purpose of ascertaining the amount of compensation.

(3) For the purpose of regulating the conditions and mode of appointment and remuneration of such assessors, and all matters of procedure relating to their duties, and also for the purpose of consolidating any actions under this act in a county court, and otherwise preventing multiplicity of such actions, rules and regulations may be made, varied, and repealed from time to time in the same manner as rules and regulations for regulating the practice and procedure in other actions in county courts.

"County court" shall, with respect to Scotland, mean the "sheriff's court," and shall, with respect to Ireland, mean the "civil bill court."

In Scotland any action under this act may be removed to the court of session at the instance of either party, in the manner provided by, and subject to the conditions prescribed by, section nine of the sheriff-courts (Scotland) act, 1877.

40 and 41 Vict., c. 50.

In Scotland the sheriff may conjoin actions arising out of the same occurrence or cause of action, though at the instance of different parties and in respect of different injuries.

Mode of serving notice of injury.

7. Notice in respect of an injury under this act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or, if there is more than one employer, upon one of such employers.

The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

The notice may also be served by post by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business; and, if served by post, shall be deemed to have been served at the time when a letter containing the same would be delivered in the ordinary course of post; and, in proving the service of such notice, it shall be sufficient to prove that the notice was properly addressed and registered.

Where the employer is a body of persons corporate or unincorporate, the notice shall be served by delivering the same at or by sending it

by post in a registered letter addressed to the office, or, if there be more than one office, any one of the offices of such body.

A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the judge who tries the action arising from the injury mentioned in the notice shall be of opinion that the defendant in the action is prejudiced in his defence by such defect or inaccuracy and that the defect or inaccuracy was for the purpose of misleading.

Definitions.

8. For the purposes of this act, unless the context otherwise requires—

The expression "person who has superintendence entrusted to him" means a person whose sole or principal duty is that of superintendence, and who is not ordinarily engaged in manual labor.

The expression "employer" includes a body of persons corporate or unincorporate.

The expression "workman" means a railway servant and any person to whom the employers and workmen act, 1875, applies.

SEC. 3. THE BRITISH WORKMEN'S COMPENSATION ACT.

General scheme of the act.

In the absence of contractual relationship the law has heretofore never imposed liability upon one person to make compensation to another for personal injury, except in cases where the injury was due to some breach of duty on the part of the person occasioning it or on the part of his agents or servants.

The workmen's compensation act of 1897 is based upon and introduces a new and somewhat startling principle. By it an employer is, for the first time, made liable to compensate his workmen for injuries, quite irrespective of the consideration whether or not either he or anyone for whose acts he is in law liable has committed any breach of duty to which the injury is attributable.

The act makes him an insurer of his workmen against the loss caused by injuries which may happen to them while engaged in his work. This insurance is limited in extent, but, save for one exception, quite irrespective of cause.

The new liability is declared in all cases where it could have been previously enforced, and includes further all injuries caused by misadventure, by negligence of workmen for whose acts the employer was not previously responsible, and, in most cases, by the negligence of the injured workman himself.

General effect of act.

Stated broadly, every employer to whom the workmen's compensation act applies has, from July 1, 1898, become liable to pay the compensation given by the act to any of his workmen who suffer personal injury arising out of and in the course of their employment at or near the locality where the work is being carried on.

The one exception referred to above is where the injury was caused by the serious and willful misconduct of the workman injured. In this one case the compensation is disallowed. Section 1 (*c*).

All former rights reserved.

The employers' liability act, 1880 (*a*), is not repealed, but is to exist side by side with the present act. Indeed, none of the duties pre-

viously imposed by law upon employers are abrogated by the workmen's compensation act, 1897, and all the previously existing rights, founded either upon common law or statute, are preserved to them. Section 1 (*b*).

The new liability will often overlap the old, thus giving a choice of remedies to the workman. He is not thus enabled to obtain a double compensation, nor, as will be hereafter pointed out, will he be able to prosecute his remedies alternately. The act was passed as a tentative one. As we have said (ante, p. 2), it is admittedly illogical. It is not of general application, but applies, in accordance with no fixed rule, to certain specified employments only.

Compensation obtained by arbitration.

No action at law can be brought to obtain the compensation recoverable under the act, but in place thereof is substituted a kind of quasi-legal arbitration, placed in the hands sometimes of laymen and sometimes of lawyers, regulated in the county courts by rules framed under the act, with an appeal from the arbitrator upon points of law to the county court judge and sometimes to the court of appeal (*b*).

Contracting out of the act is forbidden, except in the one case of the substitution therefor of a scheme of compensation, approved by Government authority, as not less favorable to the workman than the provisions of the act. Section 3 (1).

An attempt is also made to obviate the hardship often resulting to workmen from contracting and subcontracting, by fixing the liability to pay the compensation given by the act to the workmen injured in the course of carrying out such contract or subcontract, in the first instance, upon the employer making such contract.

The following is the full text of the act:

WORKMEN'S COMPENSATION ACT, 1897.

(60 and 61 Vict., c. 37.)

AN ACT to amend the law with respect to compensation to workmen for accidental injuries suffered in the course of their employment. (August 6, 1897.)

Liability of certain employers to workmen for injuries.

1 (1) If in any employment to which this act applies personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first schedule to this act.

(2) Provided that—

(*a*) The employer shall not be liable under this act in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed.

(*b*) When the injury was caused by the personal negligence or wilful act of the employer, or of some person for whose act or default the employer is responsible, nothing in this act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this act or take the same proceedings as were open to him before the commencement of this act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this act, and shall not be liable to any proceedings independently of this act, except in case of such personal negligence or wilful act as aforesaid.

(*c*) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall be disallowed.

(3) If any question arises in any proceedings under this act as to the liability to pay compensation under this act (including any question as to whether the employment is one to which this act applies), or as to the amount or duration of compensation under this act, the question, if not settled by agreement, shall, subject to the provisions of the first schedule to this act, be settled by arbitration, in accordance with the second schedule to this act.

(4) If, within the time hereinafter in this act limited for taking proceedings, an action is brought to recover damages independently of this act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this act, the action shall be dismissed; but the court in which the action is tried shall, if the plaintiff shall so choose, proceed to assess such compensation, and shall be at liberty to deduct from such compensation all the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this act.

In any proceeding under this subsection, when the court assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this act.

(5) Nothing in this act shall affect any proceeding for a fine under the enactments relating to mines or factories, or the application of any such fine, but if any such fine, or any part thereof, has been applied for the benefit of the person injured, the amount so applied shall be taken into account in estimating the compensation under this act.

Time for taking proceedings.

2. (1) Proceedings for the recovery under this act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death: *Provided, always*, That the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings, if it is found in the proceedings for settling the claim that the employer is not prejudiced in his defence by the want, defect, or inaccuracy, or that such want, defect, or inaccuracy was occasioned by mistake or other reasonable cause.

(2) Notice in respect of an injury under this act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or, if there is more than one employer, upon one of such employers.

(3) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

(4) The notice may also be served by post by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered.

(5) Where the employer is a body of persons corporate or unincorporate, the notice may also be served by delivering the same at, or by sending it by post in a registered letter addressed to the employer at, the office, or, if there be more than one office, any one of the offices of such body.

Contracting out.

3. (1) If the registrar of friendly society, after taking steps to ascertain the views of the employer and workmen, certifies that any scheme of compensation, benefit, or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, is, on the whole, not less favourable to

the general body of workmen and their dependants than the provisions of this act, the employer may, until the certificate is revoked, contract with any of those workmen that the provisions of the scheme shall be substituted for the provisions of this act, and thereupon the employer shall be liable only in accordance with the scheme, but, save as aforesaid, this act shall apply notwitstanding any contract to the contrary made after the commencement of this act.

(2) The registrar may give a certificate to expire at the end of a limited period not less than five years.

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring.

(4) If complaint is made to the registrar of friendly society by or on behalf of the workmen of any employer that the provisions of any scheme are no longer, on the whole, so favourable to the general body of workmen of such employer and their dependants as the provisions of this act, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the registrar shall examine into the complaint, and, if satisfied that good cause exists for such complaint, shall, unless the cause of the complaint is removed, revoke the certificate.

(5) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall be distributed as may be arranged between the employer and the workmen, or as may be determined by the registrar of friendly societies in the event of a difference of opinion.

(6) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the registrar of friendly societies.

(7) The chief registrar of friendly societies shall include in his annual report the particulars of the proceedings of the registrar under this act.

4. Where, in an employment to which this act applies, the undertakers, as hereinafter defined, contract with any person for the execution by or under such contractor of any work, and the undertakers would, if such work were executed by workmen immediately employed by them, be liable to pay compensation under this act to those workmen in respect of any accident arising out of and in the course of their employment, the undertakers shall be liable to pay any workmen employed in the execution of the work any compensation which is payable to the workman (whether under this act or in respect of personal negligence or wilful act independently of this act) by such contractor, or would be so payable if such contractor were an employer to whom this act applies:

Provided, That the undertakers shall be entitled to be indemnified by any other person who would have been liable independently of this section.

This section shall not apply to any contract with any person for the execution by or under such contractor of any work which is merely ancillary or incidental to, and is no part of or process in, the trade or business carried on by such undertakers respectively.

Compensation to workmen in case of bankruptcy of employer.

5. (1) Where any employer becomes liable under this act to pay compensation in respect of any accident, and is entitled to any sum from insurers in respect of the amount due to a workman under such liability, then in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or if the employer is a member of the company having commenced to be wound up, such workman shall have a first charge upon the sum aforesaid for the amount so due, and the judge of the county court may direct the insurers to pay such sum into the post-office savings bank in the name of the registrar of such court, and order the same to be invested or applied in accordance with the provisions of the first schedule hereto with reference to the investment in the post-office savings bank of any sum allotted as compensation, and those provisions shall apply accordingly.

(2) In the application of this section to Scotland, the words "have a first charge upon" shall mean "be preferentially entitled to."

Recovery of damages from strangers.

6. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the workman may, at his option, proceed, either at law against that person to recover damages, or against his employer for compensation under this act, but not against both, and if compensation be paid under this act the employer shall be entitled to be indemnified by the said other person.

Application of act and definitions.

7. (1) This act shall apply only to employment by the undertakers, as hereinafter defined, on or in or about a railway, factory, mine, quarry, or engineering work, and to employment by the undertakers, as hereinafter defined, on, in, or about any building which exceeds thirty feet in height, and is either being constructed or repaired by means of a scaffolding, or being demolished, or on which machinery driven by steam, water, or other mechanical power is being used for the purpose of the construction, repair, or demolition thereof.

(2) In this act—

36 & 37 Vict., c. 48.

"Railway" means the railway of any railway company to which the regulation of railways act, 1873, applies, and includes a light railway

59 & 60 Vict., c. 48.

made under the light-railways act, 1896; and "railway" and "railway company" have the same meaning as in the said acts of 1873 and 1896.

"Factory" has the same meaning as in the factory and workshop acts, 1878 to 1891, and also includes any dock, wharf, quay, warehouse,

58 & 59 Vict., c. 37.

machinery, or plant to which any provision of the factory acts is applied by the factory and workshop act, 1895, and every laundry worked by steam, water, or other mechanical power.

50 & 51 Vict., c. 58

"Mine" means a mine to which the coal-mines regulation act, 1887,

35 & 36 Vict., c. 77.

or the metalliferous-mines regulation act, 1872, applies.

"Quarry" means a quarry under the quarries act, 1894.

57 & 58 Vict., c. 42.

"Engineering work" means any work of construction or alteration or repair of a railroad, harbour, dock, canal, or sewer, and includes any other work for the construction, alteration, or repair of which machinery driven by steam, water, or other mechanical power is used.

"Undertakers," in the case of a railway, means the railway company; in the case of a factory, quarry, or laundry, means the occupier thereof within the meaning of the factory and workshop acts, 1878 to 1895; in the case of a mine, means the owner thereof within the meaning of the coal-mines regulation act, 1887, or the metalliferous-mines regulation act, 1872, as the case may be, and in the case of an engineering work means the person undertaking the construction, alteration, or repair, and in the case of a building, means the persons undertaking the construction, repair, or demolition.

"Employer" includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer.

"Workman" includes every person who is engaged in an employment to which this act applies, whether by way of manual labor or otherwise, and whether his agreement is one of service or apprenticeship or otherwise, and is expressed or implied, is oral or in writing. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependants, or other person to whom compensation is payable.

9 & 10 Vict., c. 93.

"Dependants" means (*a*) in England and Ireland such members of the workman's family specified in the fatal-accidents act, 1846, as were wholly or in part dependant upon the earnings of the workman at the time of his death; and (*b*) in Scotland, such of the persons entitled according to the law of Scotland to sue the employer for damages or solatium in respect of the death of the workman, as were wholly or in part dependant upon the earnings of the workman at the time of his death.

(3) A workman employed in a factory which is a shipbuilding yard shall not be excluded from this act by reason only that the accident arose outside the yard in the course of his work upon a vessel in any dock, river, or tidal water near the yard.

Application to workmen in employment of Crown.

8. (1) This act shall not apply to persons in the naval or military service of the Crown, but otherwise shall apply to any employment by or under the Crown to which this act would apply if the employer were a private person.

50 & 51 Vict., c. 67.

(2) The treasury may, by warrant paid before Parliament, modify for the purpose of this act their warrant made under section one of the superannuation act, 1887, and notwithstanding anything in that act, or any such warrant, may frame a scheme with the view to its being certified by the registrar of friendly societies under this act.

Provisions as to existing contracts.

9. Any contract existing at the commencement of this act whereby a workman relinquishes any right to compensation from the employer for personal injury arising out of and in the course of his employment, shall not, for the purposes of this act, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this act.

SEC. 4. INJURY RESULTING IN DEATH.

As is well known, our State statutes providing for damages to employees or their personal representatives for injuries resulting in death are based upon Lord Campbell's act (9 and 10 Vict., c. 93), enacted in 1846. This act provides than whensoever the death of a person shall be caused by wrongful act, neglect, or default, such as if death had not ensued, would have entitled the party injured to maintain an action for damages, the person who would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding such death, although it were caused under such circumstances as amounted in law to felony; the action to be for the benefit of the wife, husband, parent, and child brought in the name of the executor or administrator, and the jury to give such damages as they may think proportionate to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought. This act was amended by 27 and 28 Vict., c. 95, so that the action in default of an action by an executor or administrator might be brought in the name of the persons for whose benefit the cause of action exists, and provided for the payment of a lump sum into court in the nature of an offer of judgment.

ART. H.—DUTIES AND LIABILITIES OF THE EMPLOYEE TO THE EMPLOYER.

Austria.—In Austria the general duties of employees are stated to be: To be faithful, obedient, and respectful toward their employers; to conduct themselves becomingly; to observe required or customary hours of labor; to perform industrial services intrusted to them according to the best of their ability; to maintain secrecy with regard to the manner in which industrial operations are prosecuted; to conduct themselves peaceably toward their fellow-workers or the members of the employer's family, and to treat the apprentices and children working under their supervision properly. Unless a special agreement is made to that effect, employees shall not be required to perform domestic labor not constituting a part of the industrial work.

Queensland.—(See also Art. E, sec. 1, p. 67.) In Queensland servants are liable under law for willfully spoiling or losing property.

Western Australia.—Upon hearing before a justice, if it appears that the injury inflicted on the person or property of the party complaining, or the misconduct or illtreatment complained of has been of

an aggravated character and was not committed in the bona fide exercise of a legal right and where pecuniary compensation is insufficient, the justice may order the party complained against to be imprisoned with or without hard labor for a term not exceeding three months. Nothing in this act prevents the employer or employee from enforcing their other legal remedies, nor is the imprisonment of women or girls allowed in such cases.

Ontario.—The act deals extensively with the subject of summary proceedings before justices in cases of complaints arising out of the relations of masters and servants as regulated by the act. Such complaints are made before justices of the peace or police magistrates, and appeals may be taken to the division court. The act determines the duties of justices of the peace on receiving such complaints, limits the time within which actions may be brought, defines the proceedings before justices of the peace and police magistrates, etc., the manner of issuing summonses, mode of appeals, proceedings in cases of appeals, etc. In cases of complaints by servants for nonpayment of wages the justice or justices before whom action was brought may discharge the servant from the service of the master and may direct the payment of the wages due, not exceeding $40, together with costs, and in case of nonpayment may issue warrants of distress.

CHAPTER II.

POLITICAL AND LEGAL RIGHTS OF LABORERS.

ART. A. POLITICAL RIGHTS, VOTING, ETC.

SEC. 1. GENERAL.

That tendency which is beginning to be notable in the American statutes of making by legislation a special class of laboring persons, or rather of that portion of the total laboring population which is employed in industrial, not agricultural nor domestic pursuits, is not as yet observable in the legislation of other countries. So far as appears, there is no special legislation in any European country which is concerned particularly with the legal or political rights of industrial laborers.

The matter, too, of alien labor is left much more to the political branch of government than to the legislature. There appear to be no general statutes restricting competition of aliens with domestic labor in cases where their immigration is, in fact, allowed.

SEC. 2. VOTING.

There appears to be no special protection of the rights of industrial laborers to vote in European countries.

SEC. 3. SPECIAL PRIVILEGES OF ARMY AND NAVY VETERANS.

No such thing is known in any European country.

SEC. 4. COMPETITON OF ALIEN LABOR, CONTRACTS WITH ALIENS, ETC.

France.—The law of August 10, 1899, provides that in the case of public work or contract for the State the contract must contain an agreement not to employ foreign workmen, except in proportion to be fixed by the administration, according to the nature of the work and the region where it is performed.

ART. B. LEGAL RIGHTS AND PRIVILEGES.

SEC. 1. ATTACHMENT OF WAGES.

The attachment of wages is usually permitted by the law of continental countries, but the subjects covered by this article are generally to be sought for in the codes of procedure. They are not usually regarded as peculiar to the labor law. In Germany the law of June 21, 1869, as amended by that of March 29, 1897, establishes the principle that wages of employees may not be attached except in favor of the State or public municipalities for taxes, etc., and except in favor of the relations of the employee who had, under the law, a right to support from him. The law of 1897 extended this exception also to divorced wives and natural children, though legitimate relations of

the same rank have a priority. Sums due under contract of employment at the time they are due may, however, be attached under certain circumstances. The assignment of wages is forbidden in the same manner, but the law does not apply to the salaries of public employees or to the recovery of taxes, etc., due the State.

In France it appears that attachment of wages may be made under the law of January 12, 1895, only up to one-tenth of the wages due. The State labor department conducted an investigation in 1899 as to the subject of attachment of wages generally. About half the responses from employers, employees, chambers of commerce, trade unions, etc., were in favor of total exemption from attachment.

For the general German law on this subject see the valuable communication of Dr. Dove in the Appendix, p. 242.

SEC. 2. ASSIGNMENTS OF WAGES.

The assignment of wages is usually forbidden in continental countries.

SEC. 3. PREFERENCE OR PRIORITY OF WAGE DEBTS.

Western Australia.—The workingmen's wages act of 1898 provides for the preference of claims for wages in certain cases.

SEC. 4. PROCEDURE IN SUITS FOR WAGES.

The French code provides that actions by workmen or laborers for the payment of their day's wages or supplies are outlawed at the end of six months. (Civ. C, § 2271.)

SEC. 5. MECHANICS' LIEN.

France.—Architects, contractors, masons, and other workmen employed to put up, reconstruct, or repair buildings, canals, or other works whatsoever have a privilege or lien: provided, nevertheless, an official report has been previously drawn up by an expert appointed of its own accord by the tribunal of first instance of the district in which the buildings are situated, showing the condition of the premises with respect to the work which the owner declares he has the intention of undertaking, and provided the works have been accepted within six months at the most from their completion by an expert, also appointed by the court of its own accord;

But the amount of the privilege can not exceed the amount allowed by the second official report, and it is confined to the increase in value at the time of the conveyance of the real estate and resulting from the work which has been undertaken;

Those who have loaned the money to pay or reimburse the workmen have the same privilege, provided the use made of the money is officially shown by the instrument establishing the loan and by the receipt of the workmen, as has been stated above for those who have loaned money for the purchase of real estate.

Architects, contractors, masons, and other workmen employed to put up, reconstruct, or repair buildings, canals, or other works, and those who, for the purpose of paying and reimbursing them, have loaned money of which the use is established, retain their privilege from the date of the inscription of the first official report by the double inscription made, first, of the official report showing the condition of the premises; second, of the official report of acceptance. (Civ. C, 2110.)

CHAPTER III.

PRISON LABOR.

SEC. 1. CONVICT-MADE GOODS.

So far as appears there is as yet no legislation in European countries prohibiting the State or municipality in control of public jails or prisons from selling the goods of their manufacture in the open market.

A report upon foreign convict labor was made to Parliament, containing reports from the British representatives in certain foreign countries. The American law will be found in full in the report of the United States Labor Commissioner, volume 1, p. 443, and also in Mr. Olmstead's report, United States Industrial Commission's Reports, volume 5, p. 167.

PRISONS IN GERMANY.

According to the "Straf-gesetzbuch" (penal code), imprisonment in Germany takes place either in the "Zuchthaus" (convict prison) or in the "Gefangniss" (gaol for offenses of a less serious character). So far as possible prisoners are employed at a trade with which they are conversant or for which they are considered to be best adapted.

In the Zuchthaus only a small proportion of the prisoners perform outdoor labor, such as agricultural work, maintenance of roads, railways, canals, or other public works, while the vast majority are employed within the prison precincts.

"CONTRACT" SYSTEM IN PRUSSIA.

The following is the system adopted in Prussia for prison labor:

The prison authorities farm out to a contractor or contractors the labor power of a prisoner. The contract determines the rate of wages in return for the amount, weight, measure, and number of articles to be manufactured. The contract is made either for a fixed period of time or for a given quantity of work, which is executed under the direction of the contractor and his foreman, who have access to the gaol, subject to prison rules and regulations. Raw materials, tools, and machinery are supplied by the contractor. The authorities undertake no risk nor responsibility in that prison discipline interferes with contract labor. The contractor is wholly under the control of the governor and the prison authorities, and the refusal on their part to grant admittance might lead to a total suspension of work. His risk, therefore, is considerable, he having to deposit security for the fulfillment of his contract in amount generally of one month's wages or value of labor for that period.

There is no clew whatever to the destination of the product of "contract" labor in Prussian prisons, seeing that the State exercises no control beyond requiring that the contractor shall not in certain cases sell within a 10-kilometer radius of the prison of origin.

The "contract" system which has been explained above is enforced throughout Prussia, including the Rhenish Provinces and Westphalia.

In other States of the Empire different systems are enforced; for example:

1. The State labor system, known as the "Regie," by which all work is executed in the prison, under prison management alone, on account of and under the direction of the State, which supplies all raw materials, tools, machinery, etc., accepts all risks and responsibilities, and either sells in the open market or manufactures according to the order of merchants or consumers. This system is confined to Bavaria, Baden, and Bremen.

2. A mixture of the "contract" and the "State" systems, known as the "accord" system. In this the whole management and control of the work are retained in the hands of the State, but the contractor who takes the finished goods at a price fixed upon with the State supplies the raw materials. In force in Baden and Bavaria.

In those parts of Germany where the "Regie" is enforced it appears, Mr. Mulvaney states, to be quite out of the probability that the State exports, but the small merchants who buy may or may not export eventually. By this system the German Government has no means of knowing what becomes of goods when once the sale has been effected.

In *Switzerland* the system of government monopoly of prison labor is universally adopted, raw material being provided by the administration and the sale of goods apparently in the open market.

In *France* in the prisons where labor is a government monopoly the produce is concerned in the service of the State. In prisons where labor is in the hands of contractors the produce belongs to the contractor, who disposes of it without the Government having any share in the transaction or knowing the result produced.

Great Britain.—From the report of the directors of convict prisons for the year 1893–94 it appears that the labor of the convicts, except some of that engaged on the farm, is all devoted to the service of the Government. The larger part has been for the supply of the needs of the prison department itself, but the post-office, the admiralty, the war department, and the office of works have given some employment to the convicts. The printing required for the prisons was also performed by them.

CHAPTER IV.

SPECIAL PROVISIONS RELATIVE TO FACTORY AND SHOP LABOR.

SEC. 1. FACTORY ACTS.

GREAT BRITAIN.

This act originated in England in 1802, being (42 Geo. III, c. 73) known as the elder Sir Robert Peel's act, and being the first factory act, properly speaking, enacted by any European nation. This act was entitled "An act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories," and contained provisions regarding the ventilation of factories, the whitewashing of walls, the clothing and sleeping accommodations of apprentices, besides various other provisions. The hours of labor of apprentices were limited to 12 per day. The next step for the protection of factory labor was not made until 1819. In that year was passed an act (59 Geo. III, c. 66) which, though it applied only to cotton mills, for the first time limited the age at which children might be permitted to work in factories. Such employment was prohibited to children under 9 years of age, and the hours of labor of those under 16 years of age were limited to 12 per day, exclusive of time for meals.

Subsequent factory acts were passed in 1820, 1825, 1829, 1831, and 1833. The act passed in 1833 (3 and 4 Wm. IV, c. 103), known as Lord Althorp's act, not only took the place of previous enactments, but also introduced a number of important changes. In this act was made for the first time the distinction between "children" and "young persons," which has since been maintained. The attendance of children at school was made obligatory, and effective measures for the enforcement of this provision were made. The "half-time" principle was introduced by the provision limiting the hours of labor of children to 9 per day and requiring the children to spend at least 2 hours a day in school. The most important provision of the act, however, was that whereby the law was made to apply not merely to cotton and woolen mills, as was the case with former acts, but to "any cotton, woolen, worsted, hemp, flax, tow, linen, or silk mill or factory wherein steam or water or any other mechanical power is or shall be used to propel or work the machinery." Finally, provision was made for the appointment of four factory inspectors to enforce the observance of the act.

The first general factory act to follow that of 1833 was the consolidating act which Sir Robert Peel carried through in 1844. (7 and 8

Vict., c. 15.) Of this act Mr. Cook Taylor, the superintending inspector of factories and workshops, says:

> These two statutes (1833 and 1844) constitute together the foundation of the laws at present in force, not alone for the special classes of factories to which they had then exclusive reference, but for all others. * * * With the enactment of this statute (1844) the first stage in the progress of English factory legislation may be said to have been accomplished—that stage, namely, which brought the textile industries under some sort of efficient control.

By this act the hours of labor of children of 8 (formerly 9) years of age and up to 13 were reduced to 6½ per day, and 3 hours' daily attendance at school were required for 5 days of each week. In some cases alternate days of 10 hours' labor and 5 hours' schooling were permitted. Female operatives over 18 years of age (thereafter called women) were for the first time put upon the same footing as "young persons." The system of factory inspection was made more efficient by the creation of a department of factory inspection, with a central office in London. The two succeeding decades were not marked by legislation of general importance. As Mr. Taylor expresses it, the energies of factory reformers were chiefly expended in securing the advantages already gained, and in perfecting the system of inspection now fully introduced. A number of acts, however, were passed bringing particular industries under the operation of the factory laws and introducing minor modifications. The only act that need be specifically mentioned is the famous 10 hours' act (10 and 11 Vict., c. 29), "An act to limit the hours of labor of young persons and females in factories," passed in 1847.

The year 1864 marks the beginning of a new period. The acts that have been enumerated, and others relating to special industries, were regarded more as affiliated with the factory acts than as constituting an integral part of them. In 1864, however, was passed an act (27 and 28 Vict., c. 48) in which this principle was definitely abandoned, and thenceforth practically all kinds of industrial work were considered as subject to the principle of factory legislation. This act brought under the factory not only a large number of distinctly nontextile industries, but certain employments as well. In 1867 a still further advance was made through the enactment of two very important factory acts—the factory acts extension act (30 and 31 Vict., c. 103) and the workshop-regulation act (30 and 31 Vict., c. 106). The first act completed the extension of the principle of legal regulation by defining the word "factory," as regulated by the act, so as to comprehend not only the specified industries, but any place where manufacturing was carried on, and where 50 or more persons were employed. The purpose of the second act was to extend this legal regulation of labor to smaller places, or those where less than 50 persons were employed. A workshop was defined to be any place, not a factory or bakehouse, where any handicraft was carried on in which any child, young person, or woman was employed, and to which or over which the employer of the persons working therein had the right of access or control. An important difference between the factory and workshop acts was that the enforcement of the latter was intrusted to the local authorities. As a result this act was largely disregarded, and a few years later, in 1871, its enforcement was transferred to the inspectors of factories.

Following these two laws came a number of acts relating chiefly to the regulation of work in particular industries. The final step in the

evolution of a factory code was taken in 1878 by the enactment of the factory and workshop act (41 Vict., c. 16) of that year. This act not only consolidated provisions scattered through a large number of laws, but, as is shown by its title, brought together the two branches of factory and workshop regulation which had hitherto been kept separate. But comparatively few changes in existing legislation were made. The purpose of the act was distinctly one of codification. This law remains the foundation of the system of factory regulation as it exists to-day. In the years that have elapsed since its enactment it has been added to, but in its main provisions, and wholly as regards its principle, the law is unchanged. The subsequent legislation can be briefly noted. In 1881 the alkali works acts were consolidated and amended by 44 and 45 Vict., c. 37. In 1883 white-lead factories and bakehouses were further dealt with (46 and 47 Vict., c. 53). In 1884 provision for summary proceedings under the factory acts was made by 47 and 48 Vict., c. 43. In 1888 holidays in Scotland were regulated by 51 and 52 Vict., c. 22. In 1889 the condition of cotton mills, as regards moisture and temperature, were regulated by 52 and 53 Vict., c. 62. In 1891 was passed a law (54 and 55 Vict., c. 75) which partakes more of the nature of a general factory act, and as such introduced important modifications in the system of factory regulation as established by the act of 1878. Among the changes made by it may be mentioned the provisions concerning the sanitation of working places, and the authority of inspectors and local officials in this respect, precautions to be taken against fire, regulations as to dangerous and unhealthy features of employment, the hours of labor of women, holidays, the employment of children, prevention of accidents, etc. In 1892 the employment of young persons in shops or stores was regulated by 55 and 56 Vict., c. 62. This law was amended in the following year by 56 and 57 Vict., c. 67. In 1895 another general factory and workshop act (58 and 59 Vict., c. 37) was passed, which made a number of important changes in existing legislation. They related to overcrowding, precautions to be taken against accidents, the regulation of the conditions under which wearing apparel could be made (the sweating system), the reduction of overtime employment of women and young persons, etc. The act also contained special regulations concerning labor in laundries, on docks, and in tenement houses.

Of subsequent legislation the only acts that need be mentioned are the cotton-cloth factories act of 1897 (60 and 61 Vict., c. 58), giving to the secretary of state the power to issue orders for the purpose of giving effect to such of the recommendations of the committee appointed to inquire into the working of the cotton-cloth factories act, 1889, as he may deem necessary, and the act of 1887 (60 and 61 Vict., c. 60) for the prevention of accidents by chaff-cutting machines.

(See Foreign Labor Laws by W. F. Willoughby, No. 25, Bulletin of the Department of Labor, pp. 787–790.)

Since Professor Willoughby's report I am informed by the British board of trade that there is no tendency to further general legislation on this subject; but the tendency now is in England, as in European countries, to enact a minute system applying to factories or workshops in special classes of manufacture.

The British laws apply only to factories and workshops, strictly speaking, or where the operations of manufacturing or altering articles, or construction work is carried on. Agriculture, mining, trans-

portation, etc., are not included. A primary division is made between factories and workshops, and factories are divided into two classes—textile and nontextile factories; and workshops are divided into ordinary workshops of three classes—workshops for adults only and workshops for adult males only; bakehouses, laundries, etc., may fall into one of the foregoing classes according to circumstances. A "textile factory" means any premises wherein steam, water, or any mechanical power is used in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china grass, cocoanut fiber, or other like material; but print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed "textile factories." "Nontextile factories" includes any works, warehouses, furnaces, mills, foundries, or places used as print works, bleaching and dyeing works, earthenware, lucifer matches, percussion cap, cartridge, paper staining, fustian cutting, blast furnaces, metal and india rubber works, paper mills, glass mills, tobacco factories, letterpress printing works, bookbinding, and flax scutch mills, whether mechanical power is used in them or not; (2) any place, etc., used as hat works, rope works, bakehouses, lace warehouses, shipbuilding yards, quarries and pit banks wherein steam, water, or other mechanical power is used; and (3) premises wherein any manual labor is exercised by way of trade, or for purposes of gain, in or incidental to the making, preparing, or ornamenting of any article wherein steam, water, or other mechanical power is used.

The term "workshop" includes any premises mentioned under (2) in the preceding paragraph which are not factories, as above defined, and also any premises, room, or place, not a factory, wherein any manual labor is exercised by way of trade or for purposes of gain in or incidental to the making of any article or the altering, repairing, ornamenting, or finishing of any article, and to which premises the employer has the right of access or control. The three special classes of workshops are domestic workshops, meaning private houses where no power is used, and where members of the family only, dwelling there, are employed; workshops for adults only, and workshops for adult males only. These last are excluded from the operation of the factory acts except so far as they refer incidentally to their sanitary condition. In this respect they are subject to the same conditions as ordinary workshops, since the public health acts make no distinction between the various classes of workshops. A part of a factory or workshop may be taken to be a separate factory or workshop, and a room used solely for sleeping purposes is not deemed to form part of it.

Workshops are subject to the control of legal authorities as to their sanitary condition, and not to that of the factory inspectors. The sanitary regulations regarding factories apply to matters of cleanliness, overcrowding, ventilation, and temperature; the factory must be kept in a clean state, etc.; inside walls and ceilings, passages and staircase, if not painted once in seven years, must be lime-washed every fourteen months, and if painted and varnished must be washed with hot water and soap every fourteen months. Inspectors of factories may notify the sanitary authorities as to the general and sanitary conditions not covered by the factory acts. Suitable washing conveniences, toilet rooms, etc., must be provided. A factory is deemed overcrowded if there is less than 250 cubic feet of space to each person in any room or

400 feet during overtime, and every restriction of this sort may be imposed by the secretary of the state. The number of persons that may be employed in each room must be posted in the entrance. Factories must be ventilated in such a manner as to render harmless, so far as practicable, all gases, vapors, dust, etc., and, when necessary, fans and mechanical devices must be provided; a reasonable temperature must be maintained, and special temperature and degrees of humidity shall be maintained in cotton-cloth factories and in all textile factories in which atmospheric humidity is artificially produced.

Workshops, as has been said, are governed by the public health acts and not factory acts, except as to drains, toilet works, etc., and lime washing, cleaning, etc. The prevention of accidents is secured by provision of factory acts for fencing machinery, the cleaning of machinery while in motion, the use of self-acting machines, the provision of fire escapes, and special rules regarding dangerous buildings or machinery.

1. Every hoist or teagle and every fly wheel directly connected with steam, water, or other mechanical power, whether in the engine house or not, and every part of any water wheel or engine worked by such power, shall be securely fenced.

2. Every wheel race, not otherwise secured, shall be securely fenced close to the edge of the wheel race.

3. All dangerous parts of the machinery and every part of the mill gearing must be either securely fenced or be in such position or of such construction as to be equally safe to every person at work in the factory as if it were securely fenced.

4. All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except when under repair or are necessarily exposed for the purpose of cleaning or lubricating.

The English laws have a general provision that whenever an inspector believes a factory or workshop is in such condition that any manufacturing process or handicraft can not be carried on within without danger, or that any machine therein is in such a condition that it can not be used without danger to life or limb, he can make a complaint which may prohibit the use of the machine until such works have been executed as, in the opinion of the court, are necessary to remove the danger. And upon such complaint the court may make an interim order prohibiting the use of the machine until a hearing.

There is, furthermore, in Great Britain general power given to the secretary of state to certify to the chief inspector of factories any case where it is his opinion that any machinery or process or particular description of manual labor used in a factory or workshop (other than a domestic workshop) is dangerous to either life or limb, either generally or in the case of women, children, or any other class of persons, or that the provisions for fresh air is not sufficient or dust injurious, and thereupon the chief inspector must serve on the occupier a notice requiring special rules or measures, or making requirements prohibiting the employment of any class engaged in dangerous occupations or limiting their hours of labor; but if such rules or requirements relate to adult workers, they must be laid on the table of the Houses of Parliament 40 days before going into operation. If the occupier, within 21 days after such notice, serves on the inspector a notice that he objects to such rules or requirements, the secretary of state may consider any

modification referred by him or referred to any arbitration, as provided by the factory act of 1891. The workmen may appear at such arbitration by representative and counsel, but in such case must furnish security for the extra costs. Printed copies of all such special rules must be kept posted in factories and workshops, and any person failing to comply with this is liable to a fine of £2, and the occupier upon failing to not more than £10.

The provisions are very frequently availed of by the secretary of state, who has established a special regulation for the manufacture of white lead, paints and colors, lucifer matches, explosives, lead smelting, chemical works, the extraction of arsenic, etc. New regulations are being promulgated every year.

Every factory erected since 1892 or workshop since 1896 in which more than 40 persons are employed must be furnished with a certificate from the sanitary employers that the building is provided on the ground floor with such fire escapes as can reasonably be required under the circumstances of such case.

A court of summary jurisdiction may, on complaint of an inspector, and on being satisfied that the provision of movable fire escapes is necessary for the safety of any of the persons employed in a factory or workshop, require the occupier to provide fire escapes, or any of the rooms therein, in which any such person is, shall not be locked or bolted or fastened in such a manner that they can not be easily or immediately opened from the inside.

In Great Britain there are elaborate provisions for the posting of laws concerning factories. Registers must be kept in a prescribed form by the occupier: (1) Showing the children and young persons employed in every factory where certificate of fitness is required, or where women are employed overtime, or in other factories upon order of the secretary of state; (2) of the accidents occurring therein causing death or serious bodily injury; (3) a list of outworkers and their places of employment, as described in the laws concerning sweat shops; (4) of every case where a child, young person, or woman is worked overtime. And there must be posted at the entrance of every factory or workshop or any such other parts thereof as the inspector may direct: (1) The prescribed abstract of the factory acts; (2) the name and address of the prescribed inspector; (3) the name and address of the prescribed certifying surgeon for the district; (4) a designation of the clock, if any, by which the period of employment and the times for meals in the factory or workshop are regulated; (5) the number of persons who may be employed in each room; (6) the period of employment and meal times and the mode of employment of children. The penalty for the contravention of any of these provisions is a fine not exceeding £2 ($9.73). The foregoing requirements do not apply to domestic workshops.

In certain factories and workshops where the work is subjected to special regulation other regulations must be posted as follows: (1) In those factories and workshops where the employment of children or young persons is prohibited, notice of such prohibition; (2) where the taking of meals by children, young persons, or women in certain parts of factories or workshops is prohibited, notice of such prohibition; (3) copies of all special rules for the time being in force; (4) in cotton-cloth and humid textile factories, a table of the limits of humidity and readings of the thermometer.

When an occupier of a factory or workshop intends to take advantage of certain special exceptions he must affix notices showing (1) his intention to take advantage of the exception, which notice must be posted 7 days in advance; (2) the substitution of other holidays for those fixed by law, which must be exhibited the first week in January; (3) the further substitution of holidays, which must be exhibited 14 days before the proposed day; (4) when it is desired to employ young persons or women in a nontextile factory or workshop for 8 hours on Saturday, notice that such persons have not been employed more than 8 hours on any day in the week.

Besides all this the English law prescribes for various notices and returns that must be made by occupiers of factories and workshops to the inspectors of the district, showing in a way the nature of the business, the number of persons employed, and notice of any accident (see below), and of every case of lead or other poisoning, lists of outworkers, reports of overtime employment, which latter must be sent not later than 8 p. m. of the day of employment.

The report of accidents is carefully prescribed by the British law. If any accident causes loss of life or such disablement that the person injured is prevented from being employed for five hours on his ordinary work on any one of the three workdays next after the accident, such notices are sent to the inspector of the district; and when loss of life is caused or an accident is caused by machinery, vats, broken metal, explosions, etc., to the certifying surgeon of the district, who must immediately proceed to the factory or workshop and make a report.

If any person is killed or injured in consequence of an occupier of a factory or workshop having neglected to observe any provisions of the factory acts or any special rules or requirements, the occupier is liable to a fine not exceeding £100, and the whole or any part of that sum may be applied for the benefit of the injured person or his family or otherwise as the secretary of state may direct.

There are special provisions concerning notices in cases of poisoning.

FACTORY INSPECTION.

In Great Britain if the secretary of state makes a special order under the factory acts it must be laid as soon as possible before both Houses of Parliament, and either of these houses has the power to annul the order within the next 40 days. The administration of the factory laws generally is intrusted to the secretary of state for the home department, who appoints other inspectors, fixes salaries and has general control. Any inspector has power to enter factories and workshops at all reasonable times by day or night, to take with him a constable when necessary, to require the production of registers, notices, etc.; to make examinations and inquiries when necessary as to compliance with the factory acts, etc., and to enter any school where the children employed in a factory or workshop are being instructed, to examine any person with respect to such matters and to obtain a signed declaration from him or her, and generally to exercise such other powers as may be necessary for carrying the factory acts into effect. If an inspector is obstructed in the execution of his duties the person obstructing is liable to a fine. Any inspector may prosecute before a court of summary jurisdiction any information or complaint arising under the factory acts.

Certifying surgeons are appointed by the chief inspector of factories and paid through fees.

All offenses under the factory acts are prosecuted before the courts of summary jurisdiction.

FRANCE.

KEEPING REGISTERS, POSTING REGULATIONS, ETC.

All employers of children under 18 years of age must keep a register in which is entered the information contained in the children's pass books.

Employers of labor or renters of motive power are required to keep posted in their shops copies of the provisions of this act, of the orders of the Government for its administration, and of the regulations that particularly concern their industries, and a list of the names and addresses of the inspectors of their districts.

A notice must also be posted showing the hours of beginning and ending work and the duration of the intervals of rest. One duplicate of this notice must be sent to the inspector of the district, and another be deposited at the mayor's office.

In all places of work, orphan asylums, and charitable or benevolent workshops belonging to religious or lay establishments there must be posted a permanent and legible bulletin, countersigned by the inspector, showing the provisions of the law regarding child labor, the hours of labor, intervals of rest, and hours for study and meals. A list must also be furnished quarterly to the inspector, certified by the principals, of all children who are inmates of the above-named establishments, showing their full names and dates and places of birth.

REPORTING AND INVESTIGATION OF ACCIDENTS.

Every accident occurring in an establishment subject to the law of 1892 which results in an injury to one or more workingmen must be reported by the employer within the next 48 hours to the mayor of the commune. This notice must contain the names and addresses of the witnesses to the accident, and have attached to it a certificate of a physician, to be procured by the employer, showing the nature and probable effects of the injury and the time when it will be possible to know the definite results.

Upon the receipt of this notice the mayor must make an investigation of the accident in a manner to be determined by an order of the Government.

INSPECTION OF FACTORIES.

The act of 1892 has made effective provision for factory and workshop inspection, creating a corps of factory inspectors wholly dependent upon the central government, consisting of division and departmental inspectors appointed by the minister of commerce and industry. The departmental inspectors are under the authority of the division inspectors, and can be either male or female. All inspectors must take oath not to reveal secrets of manufacture, etc., and must have passed a competitive examination, held for that purpose, by the superior council of labor. Their duty is to enforce the act of 1892 and the act of 1848 in relation to hours of labor, and the act of 1874

in relation to the employment of children. They have the right to enter all establishments coming under the act, inspect registers, pass books, certificates, shop regulations, etc. All contraventions of the law reported by the inspectors shall be considered as proved until the contrary is shown. It is also made their duty to prepare statistics showing the condition of industrial labor in the districts. A general report giving the summary of the reports of inspectors is published annually.

Three advisory commissioners or councils are also created by the act of 1892. The first, the superior commission of labor, consists of 9 persons, 2 senators, 2 deputies elected by their colleagues, and 5 members appointed by the president. This body, serving without pay, is specially charged to assist the minister of commerce by seeing (1) that the law is uniformly and properly enforced; (2) to advise in regard to regulations and other questions; (3) to prescribe the requirements of candidates for the position of inspector and prepare competitive examinations and receive the detailed reports.

Besides the superior commission of labor are the departmental commissions created by the general councils of the departments, with the duty of preparing reports as to their districts. These commissions include the president and vice-president of the council of prud'hommes of the chief town or industrial center of the department and the mining engineers of the district where there are such.

Finally, there are district committees of patronage, having for their object the protection of apprentices and children. They are created by the general councils of the department, and their constitutions must be approved by the prefects, or in Paris by the minister of commerce.

PREVENTION OF ACCIDENTS, SANITARY REQUIREMENTS, ETC.

The act of June 12, 1893, applies to mills, factories, and workshops of all kinds and their dependencies, with the exception of establishments where only members of the same family work under the direction of father, mother, or guardian. All such establishments must be maintained in a cleanly condition, be properly lighted and ventilated, and present all necessary conditions of safety and health. Wheels, belts, gearing, etc., must be guarded, shafts, trapdoors, and openings railed in. Machines, engines, and means for transmitting power must be installed so as to afford every possible protection against accidents. The Government, upon the advice of the consulting committee of arts and manufactures, may determine by special orders what general measures of hygiene are necessary, with special provisions as to certain industries. The inspectors of factories have the same power for enforcing this act as for the act of 1892. When they find the provisions of this act and the Government orders are not complied with, the proprietor has 15 days in which to appeal to the minister of commerce, and the latter may permit a delay not exceeding 18 months.

BELGIUM.

In Belgium no establishment embraced within the classification of insanitary or dangerous industries can be open for operations or transferred from one place to another, except in virtue of a special authorization from the Government. A formal request must be addressed to

the proper administrative authorities, stating the nature of the establishment, its object, apparatus, and methods, and the approximate quantity of product, also indicating the measures proposed to be taken for preventing or lessening resulting nuisance or danger to the employees. Copies of plans must be appended indicating the arrangements of the workshops, the location, water courses, neighborhood, etc. It must also state the number of employees, their ages, sex, and hours of labor, and intervals of rest per day and per week for men, women, and boys under 16 and girls under 16, and for day and night workers separately; the number of employed, their hours of commencing and ending work, and the total duration of the intervals of rest allowed them; the manner of heating, lighting, and ventilating; the care taken to insure cleanliness; the cubic air space per employee; the provision for medicines and medical attendance in cases of accidents; the sanitary conditions generally; and the precautions taken to protect employees against dangers from fire, explosion, injurious gases, dust, vapors, and injuries from machinery, and means of transmitting power. Each decree of authorization must be supported by a special report made by an official or a competent technical committee concerning the adequacy of these provisions. The assistance of various technical committees may be demanded for the purposes of these reports, such as the superior council of public health, the inspectors of dangerous establishments, the inspectors of local roads and unnavigable streams, and the provincial and local health commissions, the official of the technical services of the provinces, mine officers, and engineers of roads and bridges. There are other labor provisions in case the establishment is near a water course or highway, so that the sanitary interest is fully protected. Authorization can not be granted for a term of more than 30 years. Besides all this there is a general decree prescribing uniform conditions for all unhealthy or dangerous establishments as follows (September 21, 1894):

2. Work places must be maintained in a satisfactory condition as regards cleanliness, and the whitewashing and painting of the walls attended to.

3. In places where use is made of organic materials capable of producing liquids which by their decomposition will give rise to a formation of injurious or annoying gases or vapors, the floors must be smooth, impermeable, and so constructed that the liquids can flow off, and the walls must be cemented for a height of at least 1 meter (3.28 feet) from the floor. The floor and bottom of the walls must be washed at least twice a year, use being made of a disinfecting solution, the choice of which will be indicated by the authority by whom the authorization to conduct the business is granted. Decaying residue matter must never be permitted to remain in places where persons are at work. It must be removed as it is formed and immediately disinfected.

4. The atmosphere of work places must be kept continuously protected from emanations from sewers, ditches, manure piles, privies, or any other source of infection. Excreta must not be deposited in wells.

5. There must be at least one privy for each 25 persons employed, and these privies must not communicate directly with the workrooms.

6. In inclosed places where work is prosecuted there must be not less than 10 cubic meters (353 cubic feet) of air space per person employed. These places must be properly ventilated and aired. The air must be renewed at the rate of at least 30 cubic meters (1,059 cubic feet) per hour per person. This minimum must not be less than 60 cubic meters (2,119 cubic feet) in places which are especially unhealthy. The openings through which the fresh air enters or the vitiated air leaves must be so located as not to incommode the workingmen and be beyond their reach.

7. Hoods with draft chimneys opening close to the floor must be provided to remove, as quickly and as directly as possible, gases, powders, vapors, and fumes. When this provision is insufficient to remove them from the workingmen, the apparatus for work must be incased as far as possible and a depression of air created inside in order to bring about active ventilation.

8. The work places must be vacated by the employees as far as possible during interruptions of work. The workingmen must not take their meals in any place used for the manipulation of poisonous substances.

9. Employers are required to furnish their employees with water of a good quality or a hygienic drink (tisane hygiénique).

10. When motors are installed in places in which work is not carried on, access to such places must be prohibited to all persons whose presence there is not required for the needs of the service. In all cases the pits for fly wheels and pulleys, as well as the parts of motors which are in motion, must be inclosed by guards or protective devices of such a character as to protect the employees as far as possible from accidents. Gas and petroleum motors must be started by means which do not require the workingmen to take hold of the arms of the fly wheel.[1]

11. Precautions, as required by circumstances, must be be taken in respect to the means of transmitting power and pieces of machinery moving backward and forward (pièces saillantes) or otherwise when they can occasion accidents.[1]

12. Machine tools having a rapid motion must be provided with appliances by which they can be stopped in the shortest possible time, without stopping the motor.

13. Machine tools for cutting, which go at a rapid speed, such as machines for splitting, cutting, planing, sawing, beading, or other similar operations, must be so installed that the employees can not from the places where they work involuntarily touch the cutting edges.

14. No person must be habitually employed where he has access to a fly wheel or any other engine moving with great rapidity.

15. The workingmen must be protected against injury from particles thrown off from material upon which work is being performed.

16. Passages by which employees move about in work places must be of a height and width sufficient to protect the workingmen from being injured by the machinery in motion.

17. Lifts, hoists, elevators, cranes, and similar apparatus must have indicated upon them their power, expressed in kilograms, and, if they are made use of by persons, the number of persons that they can transport without danger at the same time.

18. The lifts, hoists, and elevators must be so installed and guided that nothing can fall in them. The openings in the floors through which they pass must be inclosed by a fence, one side of which must wholly or in part consist of a moving gate opening outwardly and shutting automatically.

19. Wells, cisterns, basins, or reservoirs of corrosive or burning liquids must be provided with lids or gates or fencing.

20. Measures must be taken to protect the workingmen in case of fire.

21. The lighting of the work places must be sufficient to enable the workingmen to distinguish the machines or moving parts with which they can come in contact. When petroleum is used for lighting the work places, measures must be taken to prevent the fall or explosion of the lamps. The use of petroleum is prohibited in portable lamps, called "crassets," and in all other dangerous apparatus. The apparatus for lighting by gas must be carefully maintained and inspected. When the lighting or transmission of power is accomplished by means of electricity, precautionary measures must be taken to protect the workingmen from the dangers presented by high-tension currents.[2]

22. Every accident causing the death of a workingman or occasioning an injury capable of causing an incapacity for work for 8 days must be reported to the proper inspector by the employer or his agent within 48 hours. The declaration of the employer must contain the names and addresses of witnesses of the accident. In all cases where death has resulted the proper inspector must make an investigation of the causes of the accident. A ministerial decree will determine the other cases when the same investigation must be made.

23. The provisions of the present decree are only executory in so far as they are not contrary to the provisions of previous decrees of authorization.

24. The permanent deputations must, on the request of the interested parties and upon the advice of the proper inspectors, authorize for cause exemptions to the present decrees as far as concerns either establishments now in operation or those authorized in the future.

25. Infractions of the provisions of the present regulations, as well as the provisions of the special decrees, will be punished by fines, in accordance with the law of May 5, 1888, relative to the inspection of establishments which are dangerous, unhealthy, or nuisances.

The present decree will enter into force January 1, 1895.

[1] As modified by the royal decree of April 18, 1898.
[2] As modified by the royal decree of February 21, 1898.

SPECIAL INDUSTRIES.

In Belgium special decrees have been issued for the special regulations of certain industries which present unusual dangers to the lives and health of the employees, such as (1) the manufacture of chemical or white phosphorus matches, (2) the manufacture of white lead and other lead compounds, and (3) the manipulation of rags. These provisions are extremely elaborate. (See U. S. Labor Department Bulletin No. 26, pages 94 to 99.)

In Belgium the factory acts are enforced by a system under which the department of agriculture and public works looks after the protection of the public health and comfort, while the department of industry and labor cares for the protection of the lives and health of the employees. (See royal decrees of October 22, 1895, and May 25, 1895.) The mining engineers are charged with the supervision of the labor of women and children in mines, quarries, and the manufacture of iron and steel and other metals; for other industries there is an inspection service attached to the bureau of labor. These officials have general powers to enter all establishments and report violations of law and generally to enforce the exactions of the laws, and finally, by the decree of July 2, 1899—

1. The Government is authorized to prescribe the measures necessary to insure the healthfulness of workshops or of labor and the security of workingmen in commercial and industrial enterprises the conduct of which presents danger, even when they are not classed as dangerous, unhealthy, or nuisances. These measures can be imposed upon workingmen, if necessary, as well as upon employers and heads of enterprises.

The Government is equally authorized to prescribe the declaration that must be made in the case of accidents occurring in these enterprises.

Excepted from these provisions are those enterprises where the employer works only with the members of his family living with him or with the domestics or persons of the household.

2. Except as regards those enterprises which, independently of the present law, are subject to a régime of authorization or prior declaration, the Government can not exercise the powers set forth in the preceding article, except by way of general decrees (*arrêtés*) and after having taken the advice of (1) the councils of industry and labor or the sections of these councils representing the industries, professions, or trades concerned; (2) the permanent deputations of the provincial councils; (3) the Royal Academy of Medicine, the superior council of public hygiene, or the superior council of labor.

These bodies must transmit their opinion within two months after their advice has been asked, and in the case of their failure to do so action can be taken without it.

3. The officers of the Government charged with the execution of the present law shall have the right of free access to all places connected with the enterprises.

The stating and preventing of infractions of this law shall be made in conformity with the law of May 5, 1888, relative to establishments classed as dangerous, unhealthy, or nuisances, without prejudice, however, to chapter 10 of the law of April 21, 1810, in that which relates to mines, subterranean quarries, and metallurgical establishments regulated by that law.

SWITZERLAND.

In Switzerland, by the federal constitution, article 34, the Confederation has the right to make uniform prescriptions concerning the labor of children in factories, concerning the duration of labor that may be required of adults, as well as concerning measures for the protection of workingmen against the exercise of unhealthy and dangerous industries. This is an interesting precedent for national regulation of factories in a federation of States like our own, though with

us, as in Switzerland, it would require a constitutional provision. Before the Swiss constitution of 1874 the power to enact laws in relation to labor was exclusively invested in the Cantons, as it is with us in the States. The earliest cantonal laws related exclusively to domestic and household industries. Obligatory school attendance was always required, but otherwise the first laws for the restriction of the employment of children in factories were those of Zurich and Thurgau of 1815. In 1848 the Canton of Glarus passed a law which applied also to adult labor and fixed the normal workday at 13 hours; reduced in 1864 to 12 hours and in 1872 to 11 hours. Many similar acts were passed in other Cantons, but some Cantons adopted no such legislation, and the same consequences followed that we see now in the United States—that is, the Cantons which restricted the employment of children claimed that they were placed at a disadvantage in competing with the Cantons which had no such restrictions. This led to the article of the constitution quoted above, which does not, however, restrict the right of the Cantons to enact laws of the same kind if they are not in conflict with the federal law. This would be the case were a similar constitutional amendment adopted in the United States. There followed the general factory act of Switzerland, passed March 23, 1877, and amended June 25, 1881. This law is as follows:

1. Every industrial establishment in which a greater or less number of workingmen are employed simultaneously and regularly outside of their homes and in an inclosed place shall be considered as a factory and subject to the provisions of this law. When there is a doubt as to whether an industrial establishment ought or ought not to be included in the category of factories, the final decision shall rest with the Federal Council, after it has taken the advice of the cantonal government.

2. In all establishments the workrooms, machines, and engines must be installed and maintained in such a way as to afford the greatest possible protection to the health and lives of the employees. Particular care must be taken that the workrooms are well lighted during working hours; that the atmosphere is, as far as possible, free from dust that may be engendered there; and that the air is renewed with a frequency proportionate to the number of employees, the means of illumination, and deleterious emanations that may be formed. Parts of machines and means of transmitting power that offer possible danger to the employees must be carefully fenced. In general, there must be taken, for the protection of the health of the employees and the prevention of accidents, all measures which experience has shown to be desirable and which permit of the application of measures resulting from the progress of science as well as the maintenance of existing conditions.

3. Every person who wishes to establish or conduct a factory, or transform one already created, must give notice of his intention to the cantonal authorities, and indicate the nature of the projected enterprise. He must also furnish the plan of construction and interior arrangement of his establishment, in order that the authorities may satisfy themselves that the provisions of the present law are in all respects observed. No factory shall be opened or operated without the express authorization of the government. If the nature of the industry is such as to offer exceptional dangers to the health or lives of the employees or of the neighboring population, the authorities may attach to its authorizaton such conditions as they deem desirable.

If during the operation of a factory it is seen that the health or lives of the employees or of the neighboring population are threatened, the authorities may order the abatement of the circumstances responsible for this condition of affairs and fix a time within which their order must be executed. If the circumstances are such as to require it, the establishment may be closed. Differences that may arise between cantonal governments and proprietors of factories shall be settled by the Federal Council.

The Federal Council shall promulgate such general and special regulations as may be required for the application of the present article. Subject to the provisions of this law, the laws of the Cantons regulating constructions remain in force.

4. It is the duty of the proprietor of every factory to immediately notify the competent local authority of all cases of accidents resulting in death or serious injury occurring in his establishment. The authorities must then proceed to hold an inquest

to determine the causes and consequences of the accident and to give notice of it to the government of the Canton.

5. The Federal Council shall also designate those industries the exercise of which gives rise to serious maladies, in the case of which it may extend the responsibility of employers for accidents.

6. It is the duty of employers to keep a list of persons working in their establishments according to the form prepared by the Federal Council.

7. Employers must prepare regulations setting forth the organization of labor, the policing of the establishment, the conditions of entering and leaving the works, and the payment of wages. If the regulations provide for fines, they must not exceed half a day's wages. Receipts from fines must be used for the benefit of the employees, and particularly for the support of the aid funds. Deductions from wages on account of imperfect work or the injury of raw materials are not considered as fines. Employers must also see that morality and good conduct is maintained in the shops where men and women are employed.

8. Factory regulations, or modifications of them, must be submitted to the cantonal governments for their approval, which may be refused if they contain provisions contrary to law. The workingmen must be allowed to express their opinions concerning provisions affecting them before the regulations are offered by the authorities.

The factory regulations once approved bind both the employer and his employees. Every infraction of them by the former comes under the provisions of article 19 of the present law.

If the application of the factory regulations gives rise to abuses, the cantonal government may order their revision. The factory regulations, indorsed by the approval of the cantonal government, must be printed in large type and posted in some place in the factory where they can be plainly seen. Each workingman must be furnished with a copy of them upon entering the establishment.

9. Unless there is a written contract to the contrary, the contract between an employer and workingman must not be terminated without at least 14 days' notice. Either party may take the initiative in terminating the contract on pay day or Saturday. Unless there are special difficulties in the way, an employee working by the piece must in all cases complete the work upon which he is engaged. The contract must not be terminated before the expiration of this time by the employer without the consent of the employee, except when the employee has shown that he is incapable of finishing the work commenced or if he has been guilty of a grave violation of the factory regulations. It must not be terminated by the employee except when the employer does not fulfill his obligations toward him, treats him in a manner contrary to law or the contract that binds him, or tolerates such action on the part of some other person.

Disputes that arise in the reciprocal termination or other points of the contract shall be decided by a competent judge.

10. Employers must pay their employees in the factory at least once every 15 days in cash, in legal tender. Special agreements between employers and employees and the factory regulations may provide for monthly payments.

The part of wages carried to the new account on pay day must not exceed the wages of the last week. In piecework the conditions of payment until the completion of the work may be fixed as the parties agree.

Deductions from wages for a special purpose must not be made except in accordance with a contract to that effect between the employer and the employee.

11. The normal duration of a day's labor must not exceed 11 hours, and on the day before Sunday and a holiday must not exceed 10 hours. This work period must fall between the hours of 5 a. m. and 8 p. m. during the months of June, July, and August and between 6 a. m. and 8 p. m. during the remainder of the year.

The hours of labor must be regulated by a public clock, and notice must be given to the local authorities. In the case of an unhealthy industry, or where the conditions of operation or methods employed are of a nature to render a work period of 11 hours prejudicial to the health or lives of the employees, the normal duration of a day's labor may be reduced by the Federal Council, as may be necessary, until it is shown that the danger giving rise to the reduction no longer exists. Requests for permission to prolong this work period in an exceptional manner or for a certain time must be addressed to the authorities of the competent district, or, when there are none such, to the local authorities, in all cases where the prolongation of labor is for more than 2 weeks. If the request is for a longer time, it must be addressed to the cantonal government.

Workingmen must be given, during the middle of the work period, a rest of not less than one hour for their midday meal. Suitable places, heated in winter, and outside of the ordinary work rooms, must be gratuitously furnished the employees who bring or have their meals brought to the establishment.

12. The provisions of article 11 do not apply to accessory work which precedes or follows the real work of manufacture, and which is executed by men or unmarried women over 18 years of age.

13. Night work may be permitted only in exceptional cases, and workingmen shall be so employed only when they freely consent to it. In all cases when it does not relate to an urgent repair necessitating exceptional night work during one night only, permission for night work must be obtained from the authorities. If the night work is for more than two weeks, authorization must be obtained from the cantonal government.

Regular night work may be permitted in those branches of industry which need to be uninterruptedly prosecuted. Employers desiring to take advantage of this provision must show to the Federal Council that this industry requires that kind of work. At the same time they must submit a regulation showing the division into work periods and the number of hours of labor required of each workingman, a number which must in no case exceed eleven in each twenty-four hours. The permission may be revoked at any time if circumstances change.

14. Sunday work is prohibited, except in cases of absolute necessity, in all factories except those which by their nature require to be continuously operated, and to which the necessary authorization, as provided for by article 13, has been accorded by the Federal Council. Even in establishments in this category each employee must be free from work every other Sunday.

The Cantons may, by legislation, fix other holidays, not exceeding 8 during the year, during which factory work shall be prohibited as on Sundays. Such days, however, shall only be declared obligatory for members of those religious bodies that observe these holidays. The employee who refuses to work on a religious holiday, not included in the 8 days above mentioned, shall not be fined for so doing.

15. Women must not be employed on Sunday or at night.

When they have a household to look after, they must be permitted to leave their work half an hour before the midday rest, if that period does not equal at least one and a half hours.

Women must not be permitted to work in factories during a total period of 8 weeks before and after their confinement. After confinement, they must not be again received in factories until they have furnished proof that 6 weeks have elapsed since that occurrence.

The Federal Council shall designate those industries in which women who are pregnant shall not be permitted to work.

Women must not be employed in cleaning engines in motion, means of transmitting power, or dangerous machinery.

16. Children under 14 years of age must not be employed in factories.

For children from 14 to 16 years of age, the time reserved for their scholastic and religious instructions, and that of their work in factories together, must not exceed 11 hours per day; and their scholastic and religious education must not be sacrificed by their employment in factories.

Young persons under 18 years of age must not be employed on Sundays or at night. In those industries, however, in which the Federal Council has, in virtue of article 13, recognized the necessity for uninterrupted work, the authorities may authorize the employment of boys from 14 to 18 years of age, if it is shown that it is indispensable to employ young persons, and especially if such employment appears to be in the interest of a good apprenticeship. In such cases the Federal Council shall fix for the young persons the duration of night work, which must be below the normal work period of 11 hours. It shall also order that they be employed alternately and successively, and, after having carefully examined the condition of affairs, it shall make its authorization subject to such guaranties and conditions as it deems necessary in the interest of the health of the young persons.

The Federal Council is authorized to designate those branches of industry in which the employment of children is absolutely prohibited.

The employer shall not allege as an excuse his ignorance of the age of his employees or the instruction that they ought to receive.

17. The execution of the present law, which applies equally to existing factories and those that may be erected in the future, as well as the application of measures and orders emanating from the Federal Council in conformity with the present law, belongs to the cantonal authority, which for this purpose may take such action as it judges proper.

The cantonal governments must furnish the Federal Council with statements of the factories existing in their districts, as well as those that may be established in the future. They must also furnish, according to the regulations to be made by the Federal Council, statistical material concerning the different points covered by the

law. At the end of each year the governments must make detailed reports concerning their action from the point of view of the execution of the present law, their experience in this respect, the effect of the law, etc.

The Federal Council shall make further orders concerning the mode of procedure in this matter.

The cantonal governments must, at the same time, furnish the Federal Council, the department designated by it, or competent officials all information that may be demanded of them.

18. The Federal Council shall exercise a control over the execution of the present law. It shall designate for this purpose permanent inspectors, and determine their duties and attributes. It may, in addition, if it thinks it necessary, order the special inspection of particular industries or factories. It shall ask of the Federal Assembly the grant of funds necessary for this purpose.

19. Without affecting the matter of civil responsibility, every infraction of the provisions of this law or written orders of the competent authorities will be punished by the courts by a fine of from 5 to 500 francs [$0.97 to $96.50]. In case of a second offense, the court may, in addition to the fine, impose a penalty of imprisonment for not more than 3 months.

20. Provisions of cantonal laws and ordinances in contravention of the present law are abrogated.

The factory law is made to apply to the following classes of establishments: (1) All industrial establishments where more than 5 persons are employed and use is made of mechanical motors, or where persons under 18 years of age are employed, or which present unusual danger to the health or lives of the employees; (2) all industrial establishments employing 10 persons, whether they present any of the foregoing conditions or not; (3) all industrial establishments employing less than 6 persons, and presenting unusual danger to the health or lives of the employees, or those employing less than 11 employees and presenting plainly the type of factories.

In regard to the scheme of regulation provided, the law provides for the prevention of accidents, the protection of the health of employees, the keeping of registers, the preparation and posting of shop regulations, the imposition of fines, the notice required in terminating the labor contract, the payment of wages, the hours of labor of adult males as well as women and children, and the conditions under which overtime, night, or Sunday work may be permitted. The law regarding all these points is stated with exceptional clearness, and nothing would be gained by attempting their restatement. Interesting features in the law to which attention might be specially directed are that the policy of regulating the labor of adult males is here provided for, not in exceptional cases merely, but generally, and that employers must not put in force their factory regulations until the employees to be affected by them have been given an opportunity to be heard.

The Federal law, in addition to its positive provisions, empowers the Federal Council to issue general instructions and special regulations regarding the measures to be taken for the protection of the health and lives of employees in factories wherever such action is deemed necessary. In pursuance of this authority the Federal Council has issued various decrees regarding conditions that must be observed in particular industries. On December 13, 1897, it promulgated a decree which is of especial importance, as it specifies in detail the conditions that must be observed in the erection or reconstruction of a factory and the measures that must be taken for the protection of the health and lives of the employees. The decree is as follows:

Whoever proposes to construct a factory in the meaning of article 1 of the Federal law concerning labor in factories, to reconstruct or enlarge existing industrial struc-

tures, or establish places to be rented as factories, must, before beginning work, submit the plans proposed to the cantonal government for its examination and approval.

Before its approval is given the cantonal government must send the plans and documents to the Federal inspector of the arrondissement for his opinion. The inspector must be informed of the decision of the cantonal government.

The cantonal government has the authority to grant certain exceptions to the provisions of article 6 when it believes the circumstances are such as to justify such action. When this is done the Federal inspector of factories must be informed, and he must immediately notify the cantonal government of any objections that he may desire to interpose. In case of a disagreement the Federal department of industry or the Federal Council shall decide.

Two copies of the following plans must accompany the application for a permit: (1) A plan showing the location of the projected building and its surroundings for a distance of 50 meters [164 feet] on a scale of $\frac{1}{500}$ to 1,000; (2) plans and designation of use of all work places (*locaux*); (3) plan of exterior; (4) plans showing the longitudinal and transverse sections, one of which at least must be by the stairways. The scale for the last three must be $\frac{1}{100}$.

The plans must be accompanied by documents showing: (1) The nature of the industry proposed; (2) where steam power is used, the installation of the boilers, the kind of system used, the heating surface, the capacity in cubic meters, the normal pressure in atmospheres, and the position, height, and construction of the chimneys; (3) for motors of any kind, their method of construction and installation, notably the manner in which vapors and gases are given forth; (4) the elevators, the principal means of transmitting power, the location of machines, the passages between and beside these machines, the location of apparatus for heating and their connections, and the manner of lighting; (5) the dimensions of the windows and their distance from the ceiling, movable windows, and the possibility of a partial opening of interior and exterior windows; (6) the means of ventilation, and the maximum number of workingmen that will be employed in each place; (7) the water-closets or privies and the means of removing the deposits; (8) where necessary, the places provided as eating rooms, toilet rooms, for changing clothes, etc.

Where all this information can not be furnished with sufficient definiteness when the plans are filed, it may be subsequently provided prior to the actual work of installation.

Cellars must not be made use of as places of work, except in exceptional cases, and upon the condition that they are sufficiently lighted and protected against dampness and flooding.

All workrooms must be at least 3 meters high [9.84 feet], and provide a free space of at least 10 cubic meters [353.14 cubic feet] per person employed. Rooms having a floor space of from 100 to 200 square meters [1,076.4 to 2,152.8 square feet] must be at least 3.5 meters [11.5 feet] high, and those of over 200 square meters [2,152.8 square feet] floor space at least 4 meters [13.12 feet] high.

Windows must be at least 1.8 meters [5.9 feet] high, and not more than 30 centimeters [11.8 inches] from the ceiling. They must be so arranged that in case of necessity the persons can escape by them. These provisions do not apply to sheds or unusual constructions.

Shops, stairways, corridors, privies, etc., must be provided with sufficient natural or artificial light. If gas or electricity is employed for this purpose, a sufficient number of safety lamps must be provided (*lampes de sûreté*).

Ventilation must be facilitated by appliances (*attiques*) that can be easily regulated, placed at all the windows unless other satisfactory appliances are provided. These *attiques* must have sides of sheet iron unless there is some special reason preventing it.

The pipes for heating must be placed as low as possible, and in such a manner that the employees do not suffer from the heat. They must be protected, as far as possible, from dust and be so that they can be easily cleaned.

Stairways which are not inclosed by solid walls must be provided with good hand rails. In places where there is any danger of fire, and where inflammable material is manipulated by light, the stairways must be of stone or iron and inclosed by fireproof walls.

Every building that is 30 meters [98.4 feet] long must have at least two distinct stairways each with a special exit, and each building three or more stories high must have two stairways or a principal stairway and another means of escape. The principal stairway must be at least 1.2 meters [3.94 feet] broad.

Doors must be at least 1 square meter [10.76 square feet] in size and open outwardly. In places where inflammable or explosive materials are manipulated, both sides of the doors must be covered with metal. Large sheds must be provided with exits proportionate in number to their size.

Elevator cages and other means of communication between stories must be so arranged that they can not facilitate the spread of flames or smoke. The large cages must be constructed of incombustible material and as far as possible inclosed on all sides. Elevators which are used for transporting persons must be furnished with appliances to prevent their falling, and their exits must be plainly indicated and provided with safety catches.

Galleries, passageways, platforms, etc., must be provided with protective railings and fencing to prevent the falling of objects.

Separate privies must be provided for the male and female employees in the proportion of at least one for each 25 persons. Those for male employees must be provided with urinals. They must be separated from the workroom by a space easily aired, and their doors must close automatically. The discharge pipes must never be of wood, and ventilation pipes opening above the roof must always be installed. Those which are connected with a general sewer system must be provided with a water flow. The deposit ditches must be water-tight and separate from all the walls of the building, and their openings by which the material is removed must be provided with means by which they can be hermetically closed. The ventilation pipes must be at least 20 centimeters [7.87 inches] in diameter and rise above the roof and highest skylight.

In places where fine or injurious powders or deleterious or obnoxious gases are generated precautions must be taken for their removal. Places must also be provided where employees can change their clothes and wash themselves, and when necessary special toilet and bath rooms must be furnished.

All gas, benzine, petroleum, and similar motors must be installed in rooms separated from the workroom by partitions which are as far as possible impermeable. Gasometers, gas purifiers, etc., must not be placed where there is any light or other burning substance.

Driers heated directly by stoves must be installed in special buildings or separated from the principal building by a fireproof wall.

Warerooms for storing large quantities of easily inflammable materials must not be provided under the rooms unless they are surrounded with fireproof walls and ceilings.

The installation of steam boilers and nongenerative steam apparatus is regulated by the ordinance of October 16, 1897, concerning the establishment and operation of such apparatus.

All movable parts of machines must be inclosed and isolated in such a way as to prevent any dangerous contact with them. Similar precautions must be taken in the case of electric motors and conductors.

The means of transmitting power that can be reached by workingmen and which are not completely isolated must be placed at least 2 meters [6.56 feet] above the floor. The cables or gearing which traverse the roads, passages, courts, etc., must be properly guarded. They must not present any prominent collar (*clavette*) or screw head (*tête de vis*). Subterranean means of transmitting power must be so arranged that they can be easily inspected from overhead or by a canal or passage offering no difficulties or dangers.

In all workrooms means must be provided whereby machines can be rapidly thrown out of gear. When, by way of exception, these are lacking, means of signaling to the motor-machine room must be provided. Separate means of throwing each machine out of gear must be provided.

Machines must be so installed that workingmen are not inconvenienced by them or exposed to danger. In any case the passageways between machines must be at least 80 centimeters [2.62 feet] and the principal passages 1 meter [3.28 feet] broad.

Eating rooms must always be provided when it is not shown that they can be properly dispensed with.

Good drinking water must be furnished for the use of the employees.

Hydrants, or at least reservoirs that can be used in case of fires, must be installed wherever possible.

All regulations of the Cantons in contravention to the present regulations are rendered void. Those extending its scope, however, are maintained in force.

The law also provided that the Federal Council could designate those branches of industry in which the employment of women who were pregnant and those in which the employment of children should be absolutely prohibited. In pursuance of this power the Federal Council issued a decree December 31, 1897, the essential provisions of which are summarized below.

The employment of women who are pregnant is prohibited in the following kinds of work: (1) Work in which there is an escape of phosphorus vapors, and the operations of mixing, dipping, removing from frames, and boxing in match factories; (2) the manipulation and mixing of lead, the manufacture of colors having a lead base, work of composition, varnishing, and glazing in foundries or workshops with materials having a lead base, and lead enamel work; (3) work done near pneumatic mercury pumps in the manufacture of incandescent lamps; (4) work done in rooms where there are fumes of sulphuric acid; bleaching of cotton and straw; (5) cleaning with benzine; (6) manufacture of caoutchouc articles; work in which there is an evaporation of sulphuret of carbon and sulpho-chloride; (7) work requiring the carrying of heavy burdens or exposure to violent shocks.

The employment of children from 14 to 16 years of age is prohibited in the following kinds of work: (1) Attending to boilers used for boiling under pressure; for work in connection with steam boilers the provisions of article 21 of the ordinance of October 16, 1897, regarding the establishment and operation of steam boilers and nongenerating steam apparatus must be complied with; (2) attending to motors of all kinds (water wheels, turbines, steam engines, and gas, petroleum, and benzine motors); (3) attending to dynamos and other electrical work in which high-tension currents are used; (4) attending cranes and drawbridges; (5) overseeing the transmission of power, putting belts in place on wheels or pulleys; (6) attending circular or band saws, planing, straightening, and mortising machines; (7) attending batting machines, calenders, shearing machines, as far as they are not perfectly guarded, crushing machines, machines for cutting paper, bark, etc.; (8) work in connection with explosives; (9) the heating of easily inflammable materials (asphalt, tar, rosin, varnish, wax, etc.); (10) work in cement and gypsum factories where much dust is produced; work on emery wheels, trimming and cleaning castings; work near grinding machines in paper, glass, and emery factories; dry grinding of glass, stone, bone, or wood; hat polishing, rag sorting, hemp and flax combing and carding; silk waste cleaning; glazing and singeing, and all kinds of batting machines where, in the work enumerated, the dust is not sufficiently exhausted; (11) mordanting and shaping in hat factories; (12) all classes of work in the chemical industry where poisonous or noxious gases are generated; (13) tinning and galvanizing; (14) the manufacture of paints containing lead; glazing with coatings containing lead and lead enamel work.

These provisions do not apply to persons serving an apprenticeship of several years, regulated by contract, in occupations where such apprenticeships are customary.

In order to render more effective the provisions of the law regarding the prevention of accidents and the protection of the health of employees in establishments which are particularly unhealthy or dangerous, the Federal department of factory inspection has elaborated special instructions regarding such places, which are sent to the employers and employees and posted in the establishments. Instructions of this kind have been prepared for the industries of cigars and tobacco, August 10, 1896; lead and its compounds, August 13, 1897, and woodwork, October 21, 1897. Especial efforts have been made to subject the manufacture of phosphorus matches to special regulation for the purpose of lessening the danger to health resulting from the

use of white phosphorus in that industry. The proposition to make the manufacture of matches a State monopoly was rejected by a referendum vote September 29, 1895. Immediately afterwards the inspectors of factories were directed to report upon the measures that should be taken to protect the health of employees in that industry. Following their report a proposition was framed and introduced in the Parliament, which ultimately became the law of November 2, 1898.

This law provides that all match factories, regardless of the number of employees or the importance of the establishment, are subject to the provisions of the Federal factory law; that the manufacture can only be carried on in buildings devoted exclusively to this industry; that the manufacture of matches can not be undertaken without the authorization of the cantonal government, given with the consent of the Federal Council, the latter prescribing the regulations for guarding the health and safety of the employees and of the public, and that in case of the refusal by the cantonal government of such authorization, recourse may be had to the Federal Council; that before an authorization can be granted the detailed plans of the establishment and a statement of the proposed method of manufacture, packing, transportation, etc., must be submitted to the cantonal government and in turn transmitted by the latter to the Federal Council; that the manufacture, importation, exportation, and sale of white phosphorus matches is prohibited; that the importation and use of white phosphorus is only permitted by special authorization of the Federal Council for scientific, pharmaceutic, or other purposes not dangerous to health; that the sale, importation, and exportation of matches is prohibited unless they are packed in boxes bearing the name or registered trade-mark of the factory, and that factory inspectors may at any time enter any places where they have reason to suspect that the manufacture of matches is being carried on. The law authorizes the Federal Council to acquire and communicate to manufacturers any new processes which commend themselves to their attention as regards the health and safety of employees and of the public.

Fines of from 50 to 1,000 francs ($9.65 to $193) are provided for the punishment of infractions of this law. In the case of the unauthorized manufacture of matches, besides the imposing of a fine, the entire property, stock, etc., may be confiscated, and in case of a second offense the guilty party may, in addition, be sentenced to not more than 3 months' imprisonment.

CANTONAL LEGISLATION.

The enactment of a Federal law concerning factories, as has been said, in no way limited the power of the Cantons to enact similar laws, provided their provisions were not in conflict with those of the Federal law. Advantage of this power has been taken by at least 7 of the more important industrial Cantons.

In considering this action on the part of the Cantons it is important to notice that its character has been largely molded by the fact that in Switzerland, as in almost no other country, the system of household industry and small shops has been able to maintain its position in spite of the development of the factory system. Notwithstanding the extension given to the factory law in 1891 to establishments employing 6 or more persons, and in some cases less than that number, a considerable number of working people were still outside of the scope of that

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In general there are always provisions requiring workrooms to be spacious, dry, well lighted, and heated, though the requirement that machines should be properly guarded does not always appear.

The provisions regarding hours of labor are naturally the most *important of the laws. Five cantons accept the normal workday of 11 hours, fixed by the Federal law. Zurich, however, has made 10 hours the maximum work period per day for females, and on the day preceding Sundays and holidays 9 hours, with a rest at noon of 1½ hours* in all cases. Neuchatel has made the work period of girls under 15 years of age 10 hours per day, and of girls over that age 11 hours, with the exception of Saturday, which is limited to 10 hours.

Sunday labor is prohibited without exception.

Night work—that is, after 8 p. m.—is also in general prohibited. This is the hour at which night work begins according to the Federal law, which is in no case permitted to female employees. As regards this point all of the cantonal laws differ from the Federal law, as they permit work by women until 9, 10, and 11 p. m. when the permission of the authorities has been obtained. Most of the cantonal laws fix the maximum amount of such overtime work that can be permitted at 2 hours per day and a certain maximum per year, 75 hours in the case of Zurich, 2 months for Glarus, and 3 months for St. Gall and Lucerne. In Zurich and Lucerne permission is only granted for certain specific reasons as mentioned in the law, and in Soleure and Neuchatel for "serious" reasons. In general the authorization must be in writing and posted in the shop or place of work, and no person can be required against his will to work overtime. With the exception of Glarus, overtime work must be paid for at a higher rate; in Zurich, Lucerne, and Soleure one-fourth more. These 3 cantons also prohibit the giving of work to working women to be done at home after they have worked the normal workday.

The Cantons of Basel and Glarus have adopted the Federal regulation that women must not be allowed to work during the period of 8 weeks preceding and following childbirth. St. Gall and Lucerne extend this prohibition to 6 weeks, Zurich and Soleure to 4 weeks following childbirth, and Neuchatel makes no mention of the subject in its law. In a number of cantons overtime work by females who are pregnant is prohibited.

Shop regulations are in general required only when the authorities deem the importance of the nature of the industry such as to justify it. In Zurich and Lucerne copies of the laws must be posted in the places of work.

Most of the laws contain provisions regarding the payment of wages. Zurich and Lucerne stipulate that a reduction in wages must be announced 15 days in advance. Deductions from wages of any kind are prohibited by the law of Neuchatel. Three cantons make no mention of such retention of wages, while 3 provide that not more than one-half a week's wages can be retained if a previous arrangement to that effect has been made. Fines for the purpose of maintaining discipline, not in excess of from one-fourth to one-half a day's wages, are permitted, provided they are mentioned in the regulations agreed to by the employees.

A peculiarity that should be noted is that the laws of Zurich and St. Gall intrust the control of food and lodging supplied to working women to the Government authorities.

The laws of Glarus, St. Gall, Lucerne, Soleure, and Neuchatel contain special paragraphs for the protection of females employed in places where liquor is sold. Zurich, February 3, 1896, promulgated a special law for this purpose. All of these laws, with the exception of that of Glarus, prohibit the regular employment as waitresses of girls under 18 years of age who are not members of the proprietor's family. In the case of Zurich this prohibition extends to girls who have not completed their twentieth year and boys under 16 years of age. Persons below these ages can be employed in other work during 8 hours per day, provided such employment does not extend after 9 p. m.

Glarus and Neuchatel require 9 hours and the other cantons 8 hours' uninterrupted rest for employees. Lucerne prescribes at least 2 hours' absolute rest on Sunday mornings. The provisions of the different laws concerning the substitution of some other day for Sunday as a day of rest are very dissimilar. St. Gall, Lucerne, and Soleure require one-half day of freedom for employees each week; Neuchatel prescribes 2 forenoons and 2 afternoons of freedom per month, and Zurich requires that 6 hours' continuous freedom between the hours of 8 a. m. and 8 p. m. be granted every week. These, however, may be replaced by two annual leaves of not less than 4 days each.

Other provisions regarding females employed in hotels and restaurants relate to the lodging and food that must be furnished them, the provision of separate beds for the employees, etc.

Provisions for the protection of females employed in stores are found in the laws of Glarus, St. Gall, Lucerne, Soleure, and Neuchatel. Their principal purpose is to insure that the women are allowed sufficient time, 8 or 10 hours, at night for rest and sleep. When Sunday work is permitted the cantons of Lucerne and Soleure require a half day's freedom on that day, and that of St. Gall a similar cessation from work during the week.

The law of Neuchatel is the only one which contains provisions regarding the employment of females in office. For them it prescribes at least 9 hours cessation of work at night.

BASEL TOWN.—Following is the law concerning the employment of women, passed by the canton of Basel town April 23, 1888:

1. All industrial establishments in which 3 or more women or girls under 18 years of age are employed or serve as apprentices are subject to the provisions of the present act. Hotels (Wirthschaften) and stores are exempted so far as their female employees serve only as saleswomen and are not employed in industrial work.

2. The hours of labor of women employed in establishments coming under this act must not exceed 11 per day, and on the days before Sundays and holidays 10 hours per day. This labor period must fall between 6 a. m. and 8 p. m., and must be divided by a rest of at least 1 hour. Labor on Sundays is prohibited.

In exceptional cases the department of the interior may permit an extension of the work period to 11 p. m. If the overtime work is for more than 2 weeks the permission of the administrative council (Regierungsrat) must be obtained, and also if the permissions given during a period of 2 months amount to more than 3 weeks. In no case does the authorization of overtime work apply to girls under 18 years of age. These must never be employed in any kind of work after 8 p. m.

Women must not be employed during a total period of 8 weeks before and after giving birth to a child, and they must not be permitted to return to work until they have furnished proof that 6 weeks have elapsed since that event.

Women must only be employed in the evenings aftertime when they freely consent to work overtime and receive extra pay for such work.

3. Where it is not otherwise agreed in writing the agreement between employers and working women must not be changed by either party without giving at least 14 days' notice, starting from a pay day or Saturday. Within this period the relations

between them may only be changed upon very important grounds, concerning which the judge will decide.

4. Fines shall only be imposed as provided for in the shop regulations, and they must not exceed one-half the day's wages of the person fined, and must be employed for the benefit of the working women. Reductions from wages on account of imperfect work are permitted if the injury is intentional or the result of gross carelessness.

5. The places in which women work are under the supervision of the sanitary authorities as regards their hygienic conditions.

6. When the scope or nature of a business is such as to justify such action, the factory commission may require an employer of an establishment comprehended under the act to prepare, and post in a conspicuous place, shop regulations setting forth the working periods, the conditions of entering and leaving, and the payment of wages. These regulations must be submitted to the department of the interior for approval. In case of dispute the administrative council shall decide.

7. Infractions of the provisions of this law shall be punished according to section 37 of the police law.

8. The administrative council is authorized to make such regulations as may be necessary for carrying out this law

9. The enforcement of the law and the drawing up of the necessary regulations belong to the department of the interior and the factory commission.

10. The law of February 11, 1884, in relation to the hours of labor of working women, is repealed.

ZURICH.—Following are the provisions of the law concerning working women passed by the Canton of Zurich June 18, 1894:

General provisions.—1. The present law relates to all establishments not comprehended under the Federal factory law, in which women are employed for wages or for the purpose of learning the trade. There are excepted, however, agricultural undertakings, offices, hotel-keeping business (Wirthschaftsgewerbe), and commercial establishments as far as concerns those young persons who are exclusively engaged as saleswomen. In case of doubt as to whether an establishment is included under the law, the department of the interior shall decide.

2. Proprietors must inform the department of the interior of the existence of their establishments. Everyone has the right to propose to the department of the interior or the communal council the inclusion of a business under the law.

3. The department of the interior and the communal council shall prepare lists of establishments coming under this law. These authorities must inform each other of any changes. The communal council must inform the local health authorities of every place registered.

4. Girls under 14 years of age must not be employed as workers or apprentices.

5. Women must not be employed within 4 weeks after their confinement, and they have the right to remain away for 6 weeks.

6. Work on Sundays and holidays is prohibited.

Hours of labor.—7. The hours of labor must not exceed 10 per day, and on the days before Sundays and holidays not more than 9 hours, and must fall within the hours from 6 a. m. to 8 p. m. At least 1½ hours must be allowed in the middle of the day as a rest period. It is prohibited to give to women work to be performed at home that will make their hours of labor exceed the legal limit. Hours of labor must be regulated by a public clock.

8. Only that time shall be reckoned as periods of rest during which the women may leave the workrooms. The time required for girls under 18 years of age to perform their obligatory educational duties is included in their work period.

9. The work period may be extended in an exceptional and temporary manner upon the following grounds: Labor loss on account of the disturbance of the industry; accumulation of work in the season; orders resulting from events that could not be foreseen; the avoidance of great damages; threatened loss of materials; the prevention of nonemployment elsewhere.

10. The work period must not be lengthened more than 2 hours per day nor on more than 75 days in a year. Overtime work must as far as possible be before 8 p. m. and never after 9 p. m.

11. The rate of pay for overtime work must be at least one-fourth higher than the ordinary rate.

12. Overtime work is only permitted in the case of women over 18 years of age and then only when they freely consent.

13. The proprietor must receive permission for overtime work upon stating the grounds for it. If the permission is for not more than 6 days, it must be sought of the communal council; if for a longer time, from the department of the interior.

14. Each permission for overtime work must be in writing and be posted in the workroom. The communal authorities and the department of the interior must inform each other of all permissions granted.

15. The administrative council is authorized to permit deviations from the labor period, provided the object of the present law is never violated in the case of those industries which are prosecuted under unusual conditions in respect to their methods of work or receipt of orders. This permission may be changed or withdrawn when the special circumstances no longer exist. If an establishment misuses the permission, the latter may be canceled.

Workrooms.—16. The workrooms must, in proportion to the number of persons there employed, be sufficiently large, light, dry, heated, and ventilated, and so arranged that the health of the working women will not be injured. All precautionary measures, as suggested by experience and in proportion to the state of the art, must be taken to prevent bodily accidents and other injuries to the health.

17. The local health authorities must see that these provisions are obeyed, and report annually to the general sanitary authorities concerning their action in this respect.

Labor and apprenticeship contracts—Shop regulations.—18. The first two weeks of employment will be considered as a probationary period, in the sense that during this period either party may sever the labor contract upon giving not less than 3 days' notice. After this time not less than 14 days' notice must be given, starting from pay day or Saturday. In the case of piecework, the notice must start from the completion of the work that has been begun, provided that the ordinary period of notice is not thereby lengthened or shortened more than 4 days. This length of notice may be lengthened or shortened by the shop regulations or special agreement, provided that the same length of notice is required by both parties.

19. The labor contract may be terminated upon justifiable grounds (*aus wichtigen Gründen*) before the time agreed upon. Concerning the justifiableness of these grounds, the judge will decide according to his judgment. If the rupture of the contract results from the violation of his contract obligations by one party, he must fully indemnify the other. Moreover, the economic consequences of a labor contract terminated before the expiration of the time agreed upon shall be determined by the judge according to his judgment in taking account of the circumstances and local customs.

20. Every working woman is entitled upon leaving to receive, if she desires it, a certificate setting forth the nature and duration of her employment.

21. Whoever desires to take a girl as an apprentice must make a written contract for that purpose with her and her father or representative. This contract must contain the obligation that the apprentice shall be properly instructed in her trade. The duration of the probationary and apprenticeship periods, as well as the payment of the proper apprenticeship fee, when there is such, must also be specified; also the grounds and conditions upon which the contract may be terminated by one party before the termination of the period agreed upon.

22. Shop regulations concerning the labor periods, the conditions of entering and leaving, as well as the payment of wages, must receive the approval of the department of the interior, and must be posted in workrooms in a conspicuous place. The department of the interior is authorized to draw up shop regulations where the scope or nature of a business seems to justify it. It may also order the revision of shop regulations where their application would give rise to bad conditions.

23. Fines must not be imposed except as provided for in the shop regulations, nor in excess of one-fourth of the daily wages of the person fined. A statement of the fines imposed must be prepared, in which is entered the name of the person fined, the act of omission or commission for which the fine is levied, and the use made of the fine. All fines must be employed for the benefit of the working women.

24. Whoever violates the law, shop regulations, or special agreements must indemnify the other party (*Art. 110 u. ff. des Obligationsrechtes*). The competent judge shall fix the amount of the indemnity according to his judgment in view of the circumstances of the case.

Regulation of wages.—25. Wages must be paid in coin of the country, on a workday, and in the place of business. Where monthly or yearly salaries have not been agreed upon in writing, payment must be made at least every 14 days. Deductions from wages for rent, cleaning, heating, and lighting of the establishment, or for the rent or use of tools, are prohibited. Work material must not be charged for at a rate higher than its cost to the proprietors.

26. Wages may be retained to the extent of one-half the average weekly wages when such retention has been mutually agreed upon. In the same manner deductions may be made from wages for insurance purposes when mutually agreed upon.

27. The working woman must be informed of any reduction in wages in such a way that it will be possible for her to leave before the reduction goes into force.

28. Where the employer furnishes board and lodging it must be reckoned at the cheapest rate. The local health authorities must see that proper and healthy food and lodging are provided. Where the conditions are openly bad they may recommend to the department of the interior that the proprietor be prohibited from furnishing food and lodging to girl apprentices or working women.

Fines and executive provisions.—29. The proprietor is responsible for the observance of the provisions of this law in his establishment.

30. Infractions of sections 2 to 17, 20 to 23, and 25 to 28 by the proprietor can be punished by the city officials (*Stadthalteramt*) by fines of from 5 to 200 francs [$0.97 to $38.60].

31. Anyone may bring to the attention of the city officials and department of the interior infractions of this law.

32. In the case where a person disobeys the order that has been given him penalties may be imposed, and in case of continued disobedience the offender may be turned over to the criminal authorities (section 80, criminal code).

33. The execution of this law belongs to the department of the interior. An appeal from its orders may be made to the administrative council.

34. The communal councils are intrusted with the duty of seeing that the provisions of this law are observed in industrial establishments so far as this has not been given to the local health authorities by sections 17 and 28. They may delegate this duty wholly or partly to a special officer.

35. Copies of this law may be obtained gratuitously from the communal councils, and in placard form must be posted in each establishment in a conspicuous place.

36. This law goes into force January 1, 1895.

NEUCHATEL.—On May 19, 1896, a law concerning working women was passed by the Canton of Neuchatel. The provisions of this law are as follows:

1. All establishments and workshops in which one or more women are employed, and which are not subject to the Federal law concerning factories, are subject to the conditions imposed by articles 3 to 18 and article 22 of the present law.

2. All stores, shops, countinghouses, as well as hotels, inns, clubs, restaurants, and drinking saloons, in which are employed one or more women are subject to the conditions imposed by articles 19 to 22 of the present law.

3. The present law does not apply to domestic workshops in which only members of a family are employed under the authority of the father or mother, or to agricultural enterprises, dwelling houses in which women are employed as domestic servants, or day laborers performing household duties.

4. The execution of this law is intrusted to the communal authorities, which, according to the needs and importance of the place, may confide the oversight of its application to a special officer. The cantonal inspectors of apprentices are charged, concurrently with the communal authorities, with the supervision of the general and uniform application of the law.

5. If the communes find it necessary to incur new expenditures in enforcing this law, they shall have the right, according to the importance of the expenditure, to an equitable reimbursement, provision for which will be made by a credit, the amount of which will be determined each year by the State budget.

6. Young girls under 14 years of age must not be employed in establishments enumerated in section 1. However, those provided with a certificate of primary instruction instituted by the law relating to primary education may be employed after they are 13 years of age.

7. In extension of the rule applicable to apprenticed children, and provided for by article 11 of the law concerning the protection of apprentices, young girls under 15 years of age must not be employed in effective labor for more than 10 hours per day.

8. The hours of effective labor of women and girls over 15 years of age must not exceed 11 per day. On Saturdays and the days before holidays they must not exceed 10 hours, including the time worked in cleaning and arranging the shop. At least an hour must be allowed in the middle of the day for the principal meal.

9. Time which should be devoted to scholastic or religious instruction is always included in the hours of labor.

10. Work at night and on Sundays and holidays is prohibited. Work between the hours of 8 p. m. and 6 a. m. is considered night work.

11. However, for work recognized as urgent, and in certain special industries, this prohibition may be temporarily abrogated, [illegible] the communal authorities, or their

delegate, may authorize at certain periods of the year extra hours of labor. This overtime work must not exceed 2 hours per day, and the number of days must not exceed a total of 50 per year.

12. Requests to work overtime must be addressed to the communal authorities or their delegate. The authorizations must be in writing and inscribed in a special register by the communal authorities or their delegates. An appeal from the decisions of the communal authorities or their delegates may be made to the department of the interior.

13. The communal authorities or their delegates must see that places in which women are employed are always in a satisfactory state as regards cleanliness, lighting, and ventilation, and prescribe such measures and precautions as may be necessary. In factories and workshops which make use of mechanical apparatus and machinery they must also prescribe such appliances and measures as are necessary for the security of the working women.

14. The council of state may prohibit the employment of women in those kinds of work that exceed their strength or expose their health or morality to danger.

15. Employers are particularly required to look after the observance of decency and the maintenance of good conduct in their establishments.

16. If shop regulations are in existence, they shall in no case provide for fines. The regulations must always be posted so that they can be easily seen in the workshop.

17. Employers are required to pay their working women at least fortnightly in cash—in legal-tender money. This provision shall not be set aside by a private agreement. In general, payment must be made on Saturday before noon. In the case of piecework, the conditions of payment until the completion of the work may be fixed by the parties. The retention of any part of the wages is prohibited.

18. There must be prepared each year, by means of a census, a statement in each commune of all establishments and shops subject to the provisions of the present law.

19. In stores and countinghouses where women are employed the hours of labor which are required of them must be divided by periods of rest, and they must always be given at least 9 hours' uninterrupted rest at night.

20. In public establishments, hotels, inns, clubs, restaurants, and drinking places the hours of labor of women there employed must be divided by periods of repose, and they must be given at least 9 hours' uninterrupted rest at night. The communal authorities, or their delegates, may, in exceptional cases, authorize the abrogation of this rule. Girls under 18 years of age, other than the daughters of the proprietor of the establishment, shall not be allowed to serve the public. In no case shall the proprietor allege his ignorance of their ages as an excuse.

21. Women who are required to work at hotels, inns, clubs, restaurants, and drinking places on Sundays must be allowed on the four Sundays of the month two mornings' and two afternoons' leave.

22. Every person breaking any of the provisions of the present law or regulations or decrees that may be promulgated to insure its execution shall be punished by a fine of from 5 to 20 francs ($0.97 to $3.86). The fine shall be imposed as many times as there are persons employed under conditions contrary to law, provided the total does not exceed 500 francs ($96.50). In the case of a subsequent offense the fine may be doubled.

23. The council of state is directed to proceed to the formalities of the referendum with the view of insuring the eventual execution of the present law.

GLARUS. Following is a law in relation to the protection of labor passed by the Canton of Glarus May 8, 1892:

1. This law applies to all establishments regularly employing persons at industrial occupations for wages or as apprentices which are not within the scope of the federal factories act. It does not apply to agricultural occupations. The work of waiters in restaurants and sales people in stores, who are employed in waiting on customers and not engaged in industrial work, is considered in sections 11 to 14 of this law. Where there is a doubt whether an establishment comes within the scope of the present law, the decision lies with the military and police authorities, provided that an appeal may be made to the administrative council (Regierungsrat).

2. The working rooms must be well lighted and ventilated, dry, and, in general, in such a condition that the health of the persons working in them is not impaired. The machinery and other working appliances must be erected and maintained in the safest manner possible, and any injurious effects arising from the operations must be avoided as much as possible. The administrative council is authorized to make binding regulations from time to time in regard to this matter.

3. If the extent and nature of a business justify it, the proprietors of establishments coming within the scope of this law may be required to post in a conspicuous place in the workrooms regulations regarding the hours of labor, conditions of entry and exit, the payment of wages, etc. The approval of these regulations, as well as the settlement of all matters of this character, comes within the powers of the administrative council.

4. Unless otherwise agreed upon in writing, a notice of 14 days must be given by either party for a dissolution of the labor contract, and this only on a pay day or Saturday. A dissolution of the contract on shorter notice is only permitted for important reasons.

5. Written apprenticeship contracts must be made in all cases where apprentices are employed. This contract must show at least the trade, the term of apprenticeship, the fee, and the conditions under which a dissolution of the contract by one of the parties is permissible.

6. Wages must be paid at least once in 14 days in cash and in lawful money. Longer terms are permitted by mutual consent.

Fines shall only be levied if they are provided for in the regulations approved by the administrative council; they must not exceed one-half the day's wages of the person fined, and must be applied in the interest of the working people. Deductions from wages for goods spoiled shall only be made if the damage was intentional or was due to negligence.

7. The regular hours of daily labor must not exceed 11, and on days preceding Sundays and holidays 10 hours. At least an hour's intermission must be allowed at noon. Sunday and holiday labor is prohibited

A temporary extension of the working day until not later than 10 p. m. may be permitted by the communal councils, but only in cases of absolute necessity and in exceptional cases, and without periodical repetition. For extensions continuing over a longer period than 14 days the permission of the administrative council is necessary. The total duration must not exceed 2 months in any year. Persons must not be employed overtime without their consent.

The exceptions permitting overtime do not apply to persons under 18 years of age. The latter must in no case be employed after 8 p. m.

8. The provisions regarding hours of labor do not apply to work which, on account of its peculiar nature, must be either begun before or finished after the normal working time or which must immediately precede or follow the regular work of the establishment, provided that in every case such work is performed by persons over 18 years of age. In cases of doubt the administrative council shall decide, and, if necessary, after the hearing of the testimony of experts, whether the provisions of this paragraph should be applied in any particular case.

9. Women who have household duties to perform must be excused a half hour before the noon intermission unless the latter is at least 1½ hours long.

Women must not be employed for a period of 8 weeks before and after childbirth in any of the industries covered by this law. They must, when they return to work, show a certificate that at least 6 weeks have elapsed since their confinement.

10. Children who have not exceeded the age of 14 years must not be employed in industrial occupations either for wages or as apprentices.

11. Employees in stores or establishments dealing with customers may be employed as salesmen or saleswomen without further restriction than that they must be permitted an uninterrupted rest of 9 hours during the night.

12. Persons employed in serving guests in saloons, restaurants, or hotels may be employed as long as the police regulations permit the establishment to be open. In all cases, however, an uninterrupted rest of 9 hours at night must be allowed these employees.

13. The enforcement of this law is in the hands of the administrative council. An exact record must be made, with the assistance of the communal councils, of all establishments which come within the scope of this law. The administrative council is authorized, when necessary, to have periodical inspections made by experts. Officials charged with the execution of this law must, when requested, be given access to the establishments at any time.

14. Violations of the present law are punishable by a fine of from 10 to 500 francs ($1.93 to $96.50). A repetition of an offense or a serious violation of the law may be punished by imprisonment not exceeding 14 days.

15. The cantonal council is charged with the enactment of the necessary regulations for carrying out the provisions of this act.

GERMANY.

The development of this branch of labor legislation was begun much later than that in relation to trade guilds, apprenticeship, etc. The first important step in this direction was made by Prussia, through the act (Regulativ) of March 9, 1839, which prohibited the regular employment of children under 9 years of age in mines, factories, stamping mills, blast furnaces, etc.; limited the maximum working day for young persons under 16 years of age to 10 hours, and prohibited their employment at night or on Sundays and holidays. There were also a number of provisions making it obligatory upon employers to take certain precautions for the maintenance of the health and morality of the employees. It thus contained many of the features of the modern factory act.

In 1845 a very decided advance was made in the enactment of a general labor law, bearing date of January 17 of that year, which made further provisions for the benefit of employees. February 9, 1849, other important changes were introduced by an order in council. This order declared that no person should be compelled to work on Sundays or holidays, provided for the establishment of industrial councils, and ordered that the hours of labor for journeymen, helpers, apprentices, and factory employees should be fixed by these councils. It also prohibited the truck system and required wages to be paid in cash.

A further advance was made by the law of May 16, 1853. The minimum age at which children could be employed in factories was raised to 12 years, and the hours of labor of children under 14 years of age were limited to 6 per day. Other provisions of the law regulated the granting of periods of rest, the times of beginning and ending work, school attendance, etc. Finally, power was given to the authorities to appoint factory inspectors to enforce the law, if they deemed it advisable to do so.

In the following 15 years but little or no change was made in the labor legislation of Prussia. After the founding of the North German Confederation, however, a general labor code, embodying, with some changes, the then existing Prussian legislation, was enacted June 21, 1869. Upon the creation of the German Empire this law was gradually extended to the other States of the Empire, and remains to-day, though with important amendments, the fundamental law regulating labor in Germany.

The first of these amendments introducing other than minor modifications was the law of July 17, 1878. This law made a number of radical changes, the most important of which were those in relation to the employment of women and the protection of the health and lives of factory employees. For the first time the labor of women was subjected to special conditions, through the provision that women could not be employed for the 3 weeks after their confinement, and through the large powers given to the Bundesrat to regulate or prohibit their employment in industries detrimental to their health, or at night in certain trades.

In 1884 a special law was passed to regulate match factories, and in the same year the duties of employers with regard to the provision of safety appliances and the prevention of accidents were further defined by the accident insurance law of that year.

In 1890 was held the famous International Congress in Relation to Labor Legislation, summoned at Berlin by the Emperor for the purpose of considering the whole question of protective labor legislation. The work of this congress led to the enactment of the law of June 1, 1891. This law, which embodies most of the changes recommended by the German representatives at this congress, subjects the employment of women and children to a far more rigid regulation than ever before attempted; lays down in a definite manner the conditions under which Sunday labor is permissible; contains provisions concerning the framing of factory regulations, the making and breaking of the labor contract, and the payment of wages, and generally revises the whole labor code in the direction of subjecting labor to a more rigid legislative control.

The only other important labor act, apart from those relating to compulsory insurance, is that of July 29, 1890, concerning the creation of tribunals for the arbitration of labor disputes, which will be considered in the section relating to that subject.

Before entering upon a statement of the provisions of the industrial code regarding particular subjects regulated, some explanation should be given of the general scope of that part of it now to be considered which constitutes factory legislation proper. It is unfortunate that this can only be done in a general way. The labor code, as a whole, relates to almost all kinds of industrial work, with the exception of trans-

portation, agriculture, the fisheries, and mining; and different parts of the code relate to different categories of work. The regulations concerning such subjects as the employment of women and children, the making of shop regulations, etc., are restricted to the definite class of factories (Fabriken), but this class of work has never been definitely and authoritatively defined. Whether a particular establishment will be deemed to be a factory must be determined in each case, according to the particular circumstances, such as the number of persons employed, the importance of the work carried on, the use of machinery, etc. In case of dispute the matter is decided by the courts.

The term factory, moreover, is used with a different signification in different parts of the code treating of factory regulations. Thus the provisions concerning the framing and posting of shop rules apply only to factories employing at least 20 persons. On the other hand, the provisions regarding the employment of women and children are made to apply to "employers and employees in all work places (Werkstätten) in which mechanical power (steam, wind, water, gas, electricity, etc.) is employed otherwise than temporarily," subject to the power of the Bundesrat to make exceptions in certain cases. It is also expressly provided that an imperial decree can extend these provisions to classes of work which are not carried on in places which can be called factories, as well as to building operations, with the exception that they can not be made to relate to a person employing only members of his or her own family. In point of fact, this power has been exercised but once, when the industry of clothing and underwear making was subjected to these provisions of the code.

An exceedingly broad application has been ordered of those sections relating to the protection of the lives and health of employees. They are made to relate to practically all kinds of industrial work, whether carried on in factories or not, and thus embrace places in which the handicraft trades are prosecuted. They do not refer, however, to such industries as mining and transportation, for which special regulations are provided by other laws. (United States Labor Bulletin, Vol. V, pp. 333–335.)

Each factory law enacted has required the taking of more stringent precautions for the prevention of accidents and the protection of the health of employees than its predecessors. Prior to 1891 these requirements were for the most part expressed in general terms, that all needful precautions should be taken. The law of 1891 reproduces these provisions, but also mentions more specifically the measures that must be observed.

Employers must so install and maintain their machinery and appliances that the lives and health of employees are protected as far as possible. They must in particular see that there are provided sufficient light and air; that injurious dust and gases are removed; that dangerous machinery is properly guarded; that precautions are taken against fire, and that regulations to this effect are prepared and enforced.

Employers must also see that all needful precautions are taken, when both men and women are employed, to protect the morality and good conduct of employees. They must, as far as possible, separate the two sexes; provide separate lavatories and dressing rooms for the two sexes when the nature of the work requires the employees to change their clothes after finishing their work, and provide a sufficient number of water-closets, so arranged that they can in no way lead to improper conduct on the part of the employees.

Where persons under 18 years of age are employed, special precautions must be taken for their protection. In the case of industries presenting unusual danger to life or health, or of such a nature as to make them nuisances to their neighbors, special permission for their operation must be obtained from the authorities, and these officers can make such regulations regarding their location and methods of work as they deem proper.

To insure compliance with these provisions the police authorities have the power to order such changes in the methods of work in individual establishments as they deem proper. An appeal from these orders can be made, first to the superior administrative authorities and then to the central government. The police authorities can also require employers to provide, without expense to the employees, suitable places, properly heated during cold weather and apart from the workrooms, where the latter can eat their meals.

Unless the orders issued refer to some imminent danger to life or health time must be allowed to employers in which to comply with the orders. In the case of establishments existing at the time of the passage of this law orders for considerable alterations can not be issued, unless they are necessary for the removal of a serious menace to life, health, or morality, except in the case of rebuilding or the making of extensive additions to the establishment.

Finally, and most important of all, the Bundesrat is given the power to draw up detailed regulations, setting forth the manner in which particular industries must be carried on. In the case of those industries where the Bundesrat does not make use of this power the central authorities of each State (Landes-Centralbehörde) can take action, and in case of nonaction by them the police authorities can prepare such regulations. Before doing so, however, they must give the trade associations (Berufsgenossenschaften) interested an opportunity to express their opinion regarding the proposed action.

As will be subsequently noted in the section relating to the regulation of the hours of labor of adult males, the Bundesrat has also the power of prescribing the duration and time of beginning and ending work in establishments where the working of long hours is believed to be injurious to the health of the employees.

The orders issued by the Bundesrat in pursuance of the foregoing powers must be published in the official journal (Reichsgesetzblatt) and be laid before the Reichstag at its next session. At the present time orders have been issued by the Bundesrat in respect to the following industries: Match factories, July 8, 1893; lead-paint and sugar-of-lead works, July 8, 1893; cigar factories, July 8, 1893; alkali chrome works, February 2, 1897; printing offices and type foundries, July 31, 1897; establishments for the manufacture of electrical accumulators by means of lead or lead compounds, May 11, 1898. Various orders have also been issued by the authorities of the different States of the Empire. (Ibid., pp. 335–337.)

Lead, Paint, and Sugar of Lead Works.—The employment or presence of children under 16 years of age is prohibited in places used for the manufacture of lead paints or sugar of lead. Women may only be employed in such places in those rooms and occupations which do not bring them in contact with the lead products. This section is in force until May 1, 1903.

Cigar Factories.—Cigar factories (order of July 8, 1893) must be established and operated in accordance with the following conditions:

1. This order applies to all places in which the necessary appliances have been installed for the making of cigars, in so far as persons other than the members of the employer's family are employed.

2. The stripping of the tobacco and the making and sorting of the cigars must be performed in rooms the floors of which are not more than 0.5 meter (19.7 inches) below the level of the ground. If the room is next to the roof the ceiling must be ceiled or plastered. The workrooms in which tobacco-making appliances are installed must not be used either as living, sleeping, cooking, or provision-storage rooms, or as rooms for the storage of the tobacco. These rooms must be provided with tight doors, which must be kept closed during working hours.

3. The workrooms must be at least 3 meters (9.8 feet) high and be provided with windows sufficient in number and size to furnish adequate light. The windows must be so made that they can be opened to the extent of at least half their area.

4. The workrooms must have hard and tight floors.

5. The number of persons who may be employed in a room must be so limited that there will be at least 7 cubic meters (247 cubic feet) of air space per person.

Alkali Chrome Works.—Women and children under 16 years of age must not be employed in places where they are brought in contact with chromates.

Establishments for the Manufacture of Electrical Accumulators.—Women and children under 16 years of age must not be employed in work which brings them in contact with lead or lead compounds.

The German law of June 1, 1891, provided for factory and workshop rules for every industrial establishment where 20 persons are employed which must contain provisions concerning the hours of beginning and ending work, the intervals of rest, the manner of fixing wages, times of their payment, and notice required to terminate the contract of employment and the reasons therefor, the kinds and amounts of fines, the method of their collection, and the disposal of moneys so retained. Fines must not exceed one-half the average daily earnings of the employee, except in extreme cases, and the proceeds must be expended for the general benefit of the employees of the establishment. The law provides that the workingmen shall be given an opportunity to be heard in the framing of these rules, and they must be properly posted in the factory or shop. Copies of these rules must be filed with the local authorities, but they do not need any approval from the governmental authorities.

The German states are required to appoint special factory inspectors and councillors and must then enter a report to their respective governments.

Austria.—The industrial code requires in general terms that every employer must provide such arrangements as are necessary for the protection of the lives and health of the employees, supply proper guards for machinery, see that the workrooms are clean, well lighted, and free from dust, properly ventilated and provided with appliances for protection against injurious gases and for the moral conditions of children under 18.

Special orders prescribe detailed regulations for various exceptionally dangerous industries (see section 6, below).

A system of factory inspection was created in Austria in 1883. Provision is made for the posting of the factory regulations in all workrooms where 20 or more persons are employed, showing substantially the same matters as is required in Germany. Copies of these regulations must be sent to the industrial authorities before being posted and approved by them. The factory inspectors have the usual power to enforce compliance with the labor laws generally, and they are directed "tactfully to aid the directors of industrial enterprises in the fulfillment of the legal requirements, to mediate between employers and their employees, and attempt to adjust their differences upon an equitable basis, and generally to gain their confidence." Every factory is required to keep a register showing the full name and age of each employee, the town in which he has his home, the town which furnished him with the labor book, the date of his employment, the nature of the work, etc., which is at all times open to the authorities.

Russia.—Though Russia has only within a comparatively recent date entered the ranks of the important industrial nations, it is of interest to note that not only has the elaboration of a systematic industrial code reached an advanced stage, but in more than one respect the beginnings of this legislation antedate those of any of her more industrial neighbors.

Russia was thus the first nation to appreciate the necessity for a special corps of inspectors to control methods of work in factories. The appointment of such officials was directed by an imperial decree issued at the early date of 1719. This same decree contained the germ of factory legislation by stipulating that workingmen should be honestly paid for their work and properly taken care of.

In 1763 further measures were promulgated to prevent work being imposed upon workingmen beyond their strength, and to prevent the employment of workingmen in factories and workshops to the detriment of their agricultural work. In the following year, 1764, the hours of labor in factories and mills belonging to the Crown were limited to 12 per day. In 1803 the employment of children under 10 and workingmen over 50 years of age was prohibited. The principle of a weekly rest day in all Government establishments was established by law about the same time. In addition to these general decrees the different departments of the Government issued orders regarding the hours of labor, intervals of rest, etc., of employees in works coming under their jurisdiction.

Although all of these provisions that have been cited apply only to Government establishments, they were to all intents general regula-

tions, since at that time industrial work was almost wholly in the hands of the Government.

It is unnecessary to follow in detail the subsequent elaboration of these regulations during the period prior to 1861, when the emancipation of the serfs was accomplished. The age at which children could be employed in factories was raised to 12 years, and the hours of labor of children from 12 to 15 years of age were variously limited in different Government departments. The year 1861 marked the beginning of a new epoch, not only on account of the enfranchisement act of that year, but because following that act the Government earnestly took up the regulation of the relations between employers and employees in private as well as public enterprises. (See United States Labor Bulletin No. 30, p. 1015.)

In Russia there is no general law regulating sanitary conditions, etc., of factories, but the respective factory commissions organized in each department have full powers to prepare such regulations, and do, in fact, issue orders. In much detail special general laws, however, have been indicated as to mines and iron and steel works, operated in connection with mines.

In Russia the shop regulations must be prepared by the director of each industrial establishment, showing the hours of work, meal times, holidays, absences permitted, conditions governing the use of baths and other conveniences, times of repairing machinery, etc., duties of the employees, and so forth. A register must also be kept showing the name, age, and residence of all persons employed in the factory.

A corps of factory inspectors was provided for by the law of June 1, 1882, reorganized and developed by later laws, so that the force now consists of 18 inspectors of the first class and 125 inspectors of the second class, all under the immediate direction of the bureau of commerce and manufactures, ministry of finance, having the usual duties of factory inspectors in other countries. They are not allowed to participate in commercial or industrial enterprises, must gratuitously aid directors with technical advice, and generally to be at the disposal of both employers and employees, and must especially seek to prevent disputes by mediation or arbitration, with the usual full powers to investigate, demand papers, and the usual duties to make reports to the Government, and see that the laws are enforced.

Holland.—The law of July 20, 1895, provides in great detail for the construction as well as the maintenance in a cleanly and sanitary condition of factories and workshops, with the usual provisions for the enforcement of the law, ventilation, light, fire-escapes, and sanitary requirements, and the reporting of accidents. As they embody no provision not to be found generally in the English and American statutes it seems needless to print the law in full. The decree of December 7, 1896, provides in much greater detail for the regulation of certain factories. (See 30, U. S. Labor Bulletin, page 1044.)

Holland has a special decree of June 24, 1898, regulating the employment of women and children in the manufacture of matches. (See 30, U. S. Labor Bulletin, page 1045.)

Italy.—The law of March 17, 1898, provides that the minister of agriculture, industry, and commerce, after considering the proposals of directors of industrial enterprises to take technical advice, shall

prepare regulations for the safety, etc., of factories and other works, which having been approved by royal decree, must be conformed to by the directors of such works. A system of Government inspection is provided.

Norway.—Whoever intends to establish or operate an establishment of the nature above described (factories, industrial workshops, foundries, mines, etc.), or to make any change in an establishment already in existence, has the right, upon duly notifying the inspector and submitting plans showing the arrangement and interior construction of his factory, to learn from that official if there are any observations to be made concerning the proposed work in respect to the manner in which the law is complied with.

Workrooms and their equipment must be arranged and maintained so that the health and lives of employees are protected in as effective a manner as possible.

There must be provided, as far as circumstances will permit, stairways and exits easy of access and of use in the case of a fire or panic of any kind, in sufficient number, according to the number of employees. Where he deems it necessary, the inspector can require the proprietor to provide special safety devices. He can in the same way require the erection of lightning rods.

Passages through which employees move about in factories with machinery must be of a height and breadth sufficient to prevent workingmen who tend or pass the machines from being injured by the parts in motion, when ordinary prudence is exercised.

Workshops must be sufficiently lighted either by the sun or by an artificial light, so that all the moving parts of machinery which may present features of danger to workingmen, when in motion, can be plainly seen. In shops where inflammable gas, vapors, or dust exist or are generated, all necessary precautions must be taken in providing artificial light. Wherever the nature of the work or industry is such as to permit it, the workrooms must be properly heated.

The number of persons employed in a workroom must be in proportion to the size of the room and the place occupied by machinery, materials, etc. Rooms must be properly ventilated by suitable measures, and if necessary by mechanical means, so as to avoid injurious powders, gases or vapors, bad odors, and excessive heat. The means of ventilation must be proportionate to the number of employees. Due precautions, either in the way of ventilation or isolation of the work, must also be taken to prevent any injurious gases, powders, etc., that may be generated in one room from being carried to other rooms.

Only those persons employed in rooms in which injurious substances are prepared or generated must be allowed to have access to such rooms.

Workrooms must, as far as circumstances will permit, be regularly cleaned. In particular the parts of floors near machinery and the recesses in which the moving parts of motors move must be kept clean, so that the accumulation of oil will not render them slippery. Where necessary the partitions and ceilings must be suitably whitewashed, or if they are oil painted they must be kept clean by washing.

A place must be provided either within the establishment or in its immediate neighborhood in which the workingmen can heat their food, and when the temperature is such as to render it necessary a suitably heated room in which they can eat their meals.

The boilers and tubes subject to steam pressure must be made, installed, and maintained in such a way as to be safe. They must be inspected before and after their installation according to the regulations to be issued by the King. Notices prepared by the competent minister must be posted wherever use is made of boilers, showing the rules that must be observed. If necessary, the inspector can require that the person in charge of a boiler shall be in possession of a certificate attesting his capacity.

Machines, including motors and means of transmitting power, are subject to the following special provisions: (1) Machines, parts of machines, etc., which present any feature of danger to employees must be carefully inclosed or covered; (2) water wheels, turbines, and other water motors must be properly inclosed, and guards placed in the mill race at proper places to prevent accidents; (3) motors must not be started until a signal, which can be distinctly heard by workingmen in the rooms containing the machinery operated by the motors, has been given; (4) in all rooms containing machinery operated by a motor and not provided with means by which it can be stopped independently of the motor, means must be provided for communicating directly with the motor room; (5) when the same motor operates a number of independent machines, the means of transmitting the power must be so arranged that each machine can be stopped without stopping the motor.

Stairway and hoist openings, the entrance to mine shafts, large reservoirs, water courses, etc., must be inclosed by railings, where necessary to protect the employees, as far as the nature of the work performed will permit.

It is the duty of the inspectors to determine, according to the nature of the work and the particular circumstances of each case, the particular measures that will be considered as satisfying the foregoing requirements. When necessary they can grant exemptions from the requirements.

The employer must immediately notify the inspector in writing of every case where an employee is injured by an accident, so that he will probably be unable to return to work in 8 days, indicating the cause and gravity of the injury. The inspector must immediately investigate the causes and the results of the accidents reported to him.

In Norway all establishments which employ more than 25 persons, and all shops, etc., when ordered to by the factory inspectors must draw up a code of shop regulations setting forth the methods and conditions of employment and discharge and payment of employees, amount of fines, etc., which latter must not exceed more than half a day's wages. These rules must be approved by the inspectors of the district after a hearing from 5 representatives of the employees, and 8 days given to the representatives to examine and deliberate upon the rules. They must be duly posted in legible letters in the establishment and a copy given each employee.

The law of Norway has the usual provision for the creation of factory inspection.

Sweden.—In Sweden, as in the other countries, the general building regulations frequently provide for fire escapes and other proper exits from factories.

In Sweden the factory act of May 10, 1889, provides that—

All openings in the floor—trapdoors, vats, ladders, stairways, etc.—through or from which workingmen may fall or be injured by objects falling upon them, must be properly railed in or otherwise guarded. Lifts, cranes, etc., must be inscribed with the weights or the number of persons they are capable of lifting. Wherever there is danger of fire, precautions must be taken for the safety of the employees. Where necessary the stairways must be of noncombustible material, fire escapes must be provided, etc. Sufficient room must be provided so that workingmen in moving about will not be injured by moving machinery. Where motors are installed in the workrooms instead of being located in separate buildings, they must be so surrounded or located that the workingmen who are not directly employed in connection with them are not exposed to the danger of being injured by moving parts. Machinery and gearing which present any features of danger must be guarded and arranged so that all chance of employees being injured is removed, and those places which employees can touch must be lighted, so that the moving parts can be easily seen. Before the operation of machinery is started by means of a motor a warning, as agreed upon, must be given in the workrooms. Where the same motor supplies power to a number of stories or different workrooms, means must be provided whereby the machinery in each place can be separately thrown out of gear or notice can be sent to the room containing the motor. In the case of rapidly moving machinery means must, if possible, be provided whereby it can be instantly stopped without stopping the motor. Special means must be taken for throwing means of transmitting power in and out of gear in cases where these operations present features of danger. All possible precautions against danger must be taken in the work of cleaning and oiling machinery.

Where work is carried on in inclosed workrooms, or the nature of the work requires it, the following provisions must be observed: There must be a sufficient air space, not less than 7 cubic meters (247.2 cubic feet) for each employee, and the arrangements necessary for proper ventilation. In the case of shops already in use a smaller air space per employee may be permitted if the rooms are properly ventilated. Workrooms must be properly lighted and heated. Measures, as dictated by practical experience and the nature of the work, must be taken to prevent the diffusion of dust, gas, or vapor in the rooms in quantities injurious to the health of the employees. The workrooms must always be kept in a clean condition.

Notices must be posted in the workrooms indicating the precautions that must be

taken to protect the health and lives of employees. These notices must be approved by the factory inspectors. Places presenting unusual dangers must have special warnings posted.

It is the duty of the employees to cooperate in the accomplishment of the purposes for which the present law is enacted, and to conform to the regulations and notices prepared with this end in view.

Provision is finally made for the appointment of a suitable number of factory inspectors to supervise the enforcement of the law and to assist the directors of industrial enterprises with advice concerning the measures of hygiene and security that should be taken by them. Local health and municipal officers must assist the inspectors in the performance of their duties to the extent of their powers.

Denmark. The usual factory act was instituted for the protection of children and young persons (see Art. B, sec. 5, above), but the law of 1889 provided factory inspectors and the local health and police authorities are charged with the duty of seeing that factory buildings are kept in a sanitary condition, and to this end they are empowered to draw up and enforce regulations. The law of 1889 provides elaborately for the inclosing of machinery and moving belts and shafting, and for the tending of such machinery or of agricultural machines or of steam boilers or of other dangerous machines by children, and for the stopping of all motor operative machinery with a signal. This subject is treated very much more elaborately than is usual in other countries. The particular regulations will be found in 30 U. S. Labor Bulletin, pages 1068 and 1069. There are special laws in Denmark regulating the following industries: Concerning the manufacture of matches, February 14, 1874.

New Zealand.—The word "factory" or "workroom" as used in the factory act of 1894 is defined to mean—

Any office, building, or place in which 2 or more persons are engaged, directly or indirectly, in working for hire or reward in any handicraft, or in preparing or manufacturing articles for trade or sale, including all bakehouses; and any office, building, or place in which steam or other mechanical power or appliance is used for the purpose of manufacturing goods or packing them for transit.

But when the operations of any manufacturer are carried on, for safety or convenience, in several adjacent buildings grouped together in one inclosure, these shall be classed and included as one factory for the purposes of registration and the computation of registration fees.

Except as hereinafter specially provided, nothing in this act shall apply to slaughterhouses and shearing sheds in bona fide use for slaughtering and shearing, respectively.

Every person occupying a factory or workroom as above defined must serve on the inspector of the local board of health a written application to have his establishment registered as a factory, with notice containing particulars, nature of the work, motive power used, etc. There are careful provisions for sanitary and moral conditions, ventilation, removal of gases and dust, air space, painting, plastering, etc. The governor in council has power to declare any manufacturing process, handicraft, or employment to be noxious, and in such case no employee can take his meals in the room wherein such process, etc., is carried on. There are the usual provisions for mechanical belting, shifters, guards, reporting of accidents, etc., and if any person is killed or injured in consequence of unfenced machinery the occupier of the factory is liable to a penalty of £100 for the benefit of the injured person or his family in addition to any other right of action the injured person or his personal representatives may have.

Notice of accidents must be given within 24 hours to the inspector and the medical authorities. There are the usual provisions for fire escapes, iron stairs, doors opening outward, etc.

In each factory or workroom the occupier shall keep posted a record of the names of all persons employed, together with the ages of all persons under 20, a record showing the kind of work, the age of every person, and a record of the earnings paid per week, which must be produced to the inspector when demanded. Also, a notice must be fixed in a conspicuous place containing the name and address of the inspector and the medical authority, the official address of the board, and the holidays and working hours of the factory.

The governor is given authority to appoint a chief inspector of factories and divide the colony into as many districts as he deems fit, each to be in charge of a local inspector, who may be either male or female, and may hold office in conjunction with any other office or employment which the governor shall not deem incompatible. There are, in fact, 163 local inspectors in the colony of New Zealand. The medical authorities are also appointed by the governor. The inspectors have the usual powers of entry and examination and are prohibited from divulging information received in the execution of their duty. They make reports upon which the minister reports to the colony parliament, but such reports must not refer by name to any particular occupier of a factory or workroom or be so framed as to admit of the identification of any such occupier. The annual reports so prepared are laid before each session of the general assembly within 30 days of the commencement thereof

Strict provision is made for the enforcement of all factory laws in New Zealand by monetary penalties, and the parents of a child or person under 18, employed contrary to law, are also liable to a penalty of £1 sterling for each offense. Persons found in the factory are presumed to be employed there. The governor in council is given general authority to enforce this act.

New South Wales.—The factory act of 1896 resembles in most particulars the law of New Zealand.

South Australia.—The factory act of 1894 creates a system of factory inspection, provides for hygienic regulations and the prevention of accidents, much as is usual in English-speaking countries; 400 cubic feet of air space is required per employee, and walls and ceilings must be whitewashed, painted, and varnished, or washed at least every 14 months, floors at least every 3 months.

Queensland.—The factories and shops act of 1896 applies to any buildings, etc., in which four or more persons are engaged at any handicraft, etc., or any place where steam or other mechanical power, etc., is used; and the word "room" means any place where goods are exposed or offered for sale. The act contains the usual Australian provisions for registration of factories, sanitary and safety applications, the prohibition of work by boys under 16 or 17 or women upon elevators or in cleaning machinery, etc.; 400 cubic feet of air space is required, as in New Zealand.

Ontario.—The factory act is contained in revised statutes, 1897, chapter 256, and applies to any premises, building, workshop, etc., described in a list of 188 industries specified, which list may be added to or subtracted from by the lieutenant-governor from time to time; also any premises, etc., where steam or any mechanical power is used,

and any premises wherein the employer has control of persons working in the making or repairing of any article, but not to places employing less than 6 persons, nor to dwellings when members of a family are employed. The provisions of the act in general do not differ from those of the English and Massachusetts laws.

Quebec.—The act of January, 1894, provides for the issuing of regulations concerning industrial work by the lieutenant-governor which shall have all the force of law. Such regulations have been issued in great detail with the usual provisions for the protection of health and safety. As the rules are thus arbitrarily promulgated, it does not appear worth while to set them forth in this report.

SEC. 2. SHOPS AND STORES.

(Compare also Chap. I, Art. B, sec. 7.)

New Zealand.—The shops and shops assistants acts of 1890, as amended 1895 and 1896, relate chiefly to the general sanitation of shops, the requirement of an hour for dinner, the closing of shops and offices for half a week day, and hours of labor provisions, as follows: All shops, except those of apothecaries, fish, fruit, and confectionery dealers, restaurants, and railway bookstores, must be closed, in each week, on the afternoon of some one working day at 1 p. m. Shop assistants are entitled to one hour for dinner. This law applies also to individual shopkeepers and shopkeepers using help only for members of their family. Such a law would probably be unconstitutional in the United States. The law also applies to hawkers and peddlers. The weekly day of half holiday is fixed by local authority each year after a conference of delegates for which very elaborate provision is made. There is also a law applying to offices which are defined to mean any building or floor used as a banking office, insurance office, or for any other commercial purpose. The closing hour of all offices shall not be later than 5 o'clock in the afternoon of each week day and 1 p. m. on Saturday, with the exception of not more than 10 days in each month for overtime, not exceeding 3 hours on any one day. This law does not apply to shipping, tramway, or newspaper offices. If any other day is appointed than Saturday for the closing day for shops in any district the proprietor of any office may close his office on that day instead of Saturday if he so choose.

New South Wales.—In 1899 (December 26), a stringent early-closing act was passed requiring shops and commercial establishments generally to be closed at 6 o'clock in the evening, and requiring a half holiday for the employees on either Wednesday or Saturday, with provisions as to holidays, etc., resembling those of New Zealand.

SEC. 3. SWEATSHOPS.

In *Great Britain* the factory act of 1891, embodying first provisions concerning sweatshops, provided that the secretary of state can, by order, require the occupier of any factory or workshop, including any workshop conducted on the system of not employing child, young person, or woman, and every contractor employed by any such occupier, in the business of the same, to keep in a prescribed form and with the prescribed particulars, lists showing the names of all persons

lirectly employed by him, either as workman or contractor, in the ousiness of the factory or workshop, outside the factory or workshop, ınd the places where they are employed; and every such list must be ɔpen to inspection by any inspector under the factory acts, or by any ɔfficer of a sanitary authority. The failure to comply with any of the ɔrovisions of this section renders the occupier or contractor liable to ı fine of £2. In pursuance of the power given to him in the foregoing ɔrovision, the secretary of state has ordered the keeping of such lists ɔy all occupiers and contractors engaged in the manufacture of wear- ng apparel, electroplate, and files, and in cabinet and furniture making, ınd upholstery work.

This attempt to regulate the sweating system was further strength- ened by various provisions of the factory act of 1895. Sections of his law provided (1) that the list of persons to whom work was given, as provided by the act of 1891, should also be sent to the inspector of he district in which the factory or workshop is situated, on or before March 1 and September 1 in each year; (2) that any place from which ıny work of making wearing apparel for sale is given out is, for the ɔurpose of the above requirements, to be deemed to be a workshop; (3) that if an occupier of a workshop or laundry, or of any place from which any work is given out, or any contractor employed by any such ɔccupier, causes or allows wearing apparel to be made, cleaned, or repaired in any dwelling house or building connected therewith, while ıny inmate of the dwelling house is suffering from scarlet fever or smallpox, then, unless he proves that he was not aware of the existence ɔf the illness in the dwelling house, and could not reasonably have ɔeen expected to become aware of it, he shall be liable to a fine not exceeding £10 ($48.67); and (4) that if any inspector gives notice in writing to the occupier of a factory or workshop, or to any contractor employed by any such occupier, that any place in which work is car- ried on for the purpose of or in connection with the business of the factory or workshop is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from the receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable on summary conviction to a fine not exceeding £10 ($48.67).

This latter provision applies in the case of the occupier of any place from which work is given out as if that place were a workshop. It is, however, limited to those persons employed in the classes of work, and employed within such areas as may from time to time be specified by the secretary of state; and no such order can be made by him except with respect to an area where, by reason of the number and distribu- tion of the population, or the conditions under which work is carried on, there are special risks of injury or danger to the health of the per- sons employed and of the district.

The inspectors of factories thus, under the law of 1895, have the power of actively intervening and prohibiting outside work in improper places.

The order of the secretary of state, March 23, 1898, in pursuance of section 27 of the factory and workshop act of 1891, requires the occupier of a factory or workshop, whether or not women and chil- dren are employed, who employs persons in the making of garments, furniture, carpeting, cabinetmaking, the cleaning of furs, etc., to

keep in the prescribed form a list of all persons to whom outside work is given, which must be sent to the inspector twice a year.

Germany.—A commission was established in 1896 to inquire into sweat shops or more particularly into shops where the manufacture of garments and underwear was carried on. The commission reported substantially that in these industries there is not the same competition with working people coming from women of higher social station that exists in others, nor could the institution of middlemen be considered as the principal of the evils. In a majority of cases the middlemen maintain practical workshops or else merely divide up the work at a reasonable profit. The commission also reported against the charge of immorality and denied that this was the cause of the depression of wages in such work. They argued, therefore, against any suppression of sweat shops and reported that the worst evils were found in private rooms—that is, single apartments over which it is not easy for the law to acquire control. Nevertheless, it did not report for the abolition of work in such single apartments and the substitution of work rooms, mainly for domestic reasons. On the other hand, it reported as evils, the small wages received by working girls not specially skillful, the long interruptions in work resulting from the variation of demands at different seasons, and the loss of time of the work people by waiting for their work at the givers-out of the same. These evils, nevertheless, it considered irremediable. On the other hand, it reported as evils where the law might interfere (1) the uncertainty of the conditions of work, especially as to the amount of wages that the work person is entitled to and the insufficiency of the provisions for state insurance; (2) the exaggerated length of work, even taking into account the special necessities of the industry; (3) dangers from lack of sanitary precautions, infected goods, etc., and recommended the proper remedies for these evils, such as the requiring of tariffs for piecework, the extension of the disability and accident insurance laws by requiring the givers-out of work to see to the payment of assessments, the application of the factory hours of labor laws generally with required periods of rest amounting to 1½ hours per day, and, finally, the forbidding of working girls to take work home, in order to assure that the legal limit of labor hours might not be exceeded. The question of infected goods was left to the sanitary police.

The law itself applies generally the provisions of the industrial code to such workshops, forbids the employment of children under 13, and of children under 14 more than 6 hours per day, and children between 14 and 16 8 hours per day, forbids the employment of working women at night between 8.30 in the evening and 5.30 in the morning, and limits the labor of working women in general to 11 hours per day, with the usual provisions in favor of women who have lately become mothers, etc. As in the United States, the law does not apply to rooms where the occupier employs exclusively persons of his own family.

Sweden.—The public-health law of 1874 provides that rooms in which a considerable number of persons work shall be properly ventilated.

New Zealand.—Every occupier of a factory or workroom who has work done for the purposes of his factory or workroom elsewhere than in such factory or workroom shall keep a record, and the same shall be kept so as to be a substantially correct record of the description and quantity of the work done outside of such factory or workroom, and

of the name and address of the person by whom the same is done, together with the remuneration given for such work, and in default thereof shall be liable to a penalty not exceeding £10 ($48.67). Such record shall be kept for the information of the inspector, who alone shall be entitled to inspect the same, and who may, at all reasonable hours, examine and inspect the same.

Every occupier of a factory or workroom who shall give out piecework to be done in a private dwelling, or in any place not registered as a factory, shall cause a printed label of the description shown in the second schedule of this act to be affixed to every garment and every article wholly or partially made in unregistered workshops or private dwellings, except in cases previously sanctioned by the inspector.

Any person who sells or exposes for sale such garments or articles without such labels shall be liable to a fine not exceeding £10 ($48.67); and anyone who willfully removes such labels before sale shall be liable to a penalty not exceeding £20 ($97.33).

Every merchant, wholesale dealer, shopkeeper, agent, or distributer who shall issue textile or shoddy material for the purpose of being made up by pieceworkers or home workers into articles for sale shall be deemed to be the occupier of a factory for the purposes and within the meaning of this section.

The above law was supplemented by the act of 1896 regulating work let or given out in connection with textile goods, whereby the subletting of such work, directly or indirectly, whether by way of piecework or otherwise, was forbidden, and the person undertaking such work was forbidden to do any part of it except on his own premises and by himself or his own work people to whom he himself pays wages. It was further made unlawful to receive goods or materials to be made up in any factory, workroom, or dwelling house wherein resides any person suffering from any infectious or contagious disease, or when such person has so resided there at any time during the previous 14 days, unless the premises have been disinfected to the satisfaction of the inspector. Goods found upon such infected premises may be seized.

Queensland.—The occupiers of factories are required to keep records of the names of persons employed in sweatshops or outside work, the places, and rates of payment. There is a penalty not exceeding £20 to any occupier who allows wearing apparel, etc., to be made in any building where there is a contagious disease.

Ontario.—An amendment to the Ontario shops regulation act, adopted in 1900, makes the following provisions regarding sweatshops and sweatshop products:

1. Every person contracting for the manufacture of coats, vests, trousers, overalls, cloaks, caps, drawers, blouses, waists, waist bands, underwear, neckwear, shirts, or any parts thereof, or any other garment or article of clothing, or giving out for improvement, manufacture, or alteration, incomplete material from which the said articles, or any of them, are to be made, or to be wholly or partially altered or improved, shall keep a written register of the names and addresses, serially numbered, of all persons to whom such work or material is given to be made, altered, or improved, or with whom he may have contracted to do the same; and such register shall at all times be kept prominently posted up in the office of the person so giving out such articles for manufacture, alteration, or improvement.

2. Every article so made, altered, or improved, as aforesaid, shall bear upon a label attached thereto the register number, or the name and address of the person to whom the same was given for manufacture, alteration, or improvement, and any false statement upon such label shall render the person making the same liable to

the penalties provided by this act for making a fasle entry in any register, notice, certificate, or document.

3. No person shall knowingly sell or expose for sale any of the articles mentioned in this section and made in any dwelling house, tenement house, or building forming part of or in the rear of a tenement or dwelling house, without a permit from the inspector, stating that the place of manufacture is thoroughly clean and otherwise in good sanitary condition. Such permit shall state the maximum number of persons allowed to be employed upon the said premises and shall not be granted until an inspection of the premises is made by the inspector. The permit may be revoked by the inspector at any time if, in his opinion, the protection of the health of the community, or of those so employed upon the said premises, render such revocation desirable.

4. When any article mentioned in this section is found by the inpector to be made under unclean or unhealthy conditions, or upon any unregistered premises, he shall seize and impound the same and affix thereto a label bearing the word "unsanitary" printed on a tag not less than 4 inches in length; and shall immediately notify the local board of health, whose duty it shall be to disinfect the said article, and thereupon remove such label. The owner of any such article shall, after it has been disinfected, be entitled to have the same returned to him upon first paying the costs of such seizure and disinfection.

5. If the inspector finds evidence of unclean or unhealthy conditions, or infectious or contagious disease present in any workshop, or in any tenement or dwelling where any of the articles hereinbefore mentioned are made, altered, or improved, or in any goods manufactured or in process of manufacture on such premises, he shall forthwith report the same to the local board of health, and the said local board of health shall forthwith issue such order as the public health may require, or may condemn and destroy all such infectious and contagious articles, or any articles made, altered, or improved, or in process of manufacture under unclean or unsanitary conditions as aforesaid.

SEC. 4. OTHER SHOPS REGULATED AS TO SANITARY CONDITIONS.

In *Great Britain* the factory acts also apply to bakehouses, which are workshops even when they do not employ children, young persons, or women, although such workshops do not generally come under the factory acts.

No place under ground can be used as a bakehouse, and no room or other place unless various provisions as to sanitary arrangements, drainage, whitewashing, paint, etc., are complied with.

LAUNDRIES.

In *Great Britain* there are various sanitary regulations concerning laundries, providing for sanitary conditions, ventilation, temperature of rooms, and separation of stoves for heating irons from the workrooms, etc.

DOCKS AND BUILDING OPERATIONS.

In *Great Britain* the act of 1895 makes certain portions of the factory acts applicable to (1) every dock, wharf, quay, and warehouse; (2) any premises on which machinery is temporarily used for the purpose of the construction of a building or any structural work in connection with the building. These provisions are those (1) providing for penal compensation for persons killed or injured as a result of their employer's neglecting to take the prescribed precautions, (2) specifying the powers of factory inspectors, (3) providing special rules and regulations for dangerous occupations, (4) relating to the power to make special orders as to the use of dangerous machines; (5) the acts which relate to notices and formal investigation also apply to any building which exceeds 50 feet in height and is being constructed or repaired

by means of scaffolding, and also any building which exceeds 30 feet in height and in which more than 20 persons, not being domestic servants, are employed for wages. In the first case the person liable is the employer; the second, the occupier of the building.

BAKERIES.

South Australia, *New Zealand*, *New South Wales*, *Ontario*.—There is special legislation for the sanitary regulations in bakeries similar to the laws in the American States.

SEC. 5. TENEMENT FACTORIES.

In *Great Britain* there are special laws applying to tenement factories; i. e., the case where mechanical power is supplied to different parts of the same building or all buildings situate within the same close occupied by different persons for the purpose of any manufacturing process or handicraft in such a manner that those parts constitute in law separate factories. In their use the owner, except in the case of an occupier paying rent in excess of £200 a year, in which case the occupier is liable for the observance and punishable for the nonobservance of those provisions of the factory acts which relate (1) to the keeping of factories in a sanitary condition, their proper ventilation, and the avoidance of overcrowding; (2) the fencing of machinery, except so far as concerns those parts that are supplied by the occupier; (3) posting of notices required by law; (4) the lime washing of the interior so far as it relates to any engine room, passage, or staircase, or to any room which is let to more than one tenant; (5) the supplying of pipes or other contrivances necessary for working the fan or means used for removing dust except in textile factories; (6) the affixing of an abstract of the factory acts and notices. By special order the secretary of state may substitute the owner of the tenement factory for the occupier as the person liable for the keeping of these provisions. There are also special provisions regulating grinding when carried on in a tenement factory. A certificate of the fitness of any young person or child for employment in a tenement factory is valid for his similar employment in any part of the same tenement factory.

SEC. 6. SPECIAL INDUSTRIES.

In most European states there are special laws regulating certain classes of industries with a view to safety, the sanitary regulations of factories, etc. Thus, for—

Cigar factories: Germany, order of July 8, 1893.

Horsehair factories and *works for cleaning and preparing silks and furs or hair, bristles, brushes, paint brushes:* Germany, decree of January 28, 1899.

Quarries (open to the sky): Belgium, decree of May 24, 1898; January 16, 1897.

Dangerous and unhealthy industries (to the employees) generally: Belgium, law of July 2, 1899.

Cheese factories: Belgium, decree of April 24, 1899.

Stonecutters' works: Belgium, decree of August 18, 1899.

Wool cleansing, picking, carding, goat or camel's hair: Great Britain, November 28, 1899.

White-lead works: Great Britain, order of June 1, 1899.

Dry and dry-salted foreign hides: Great Britain, order of August, 1899.

Match factories, phosphorus: Germany, July 8, 1893; Norway, August 17, 1899; Switzerland, November 2, 1898; March 10, 1899; December 30, 1899; Belgium, April 18, 1898; Austria, January 17, 1885; Hungary, March 27, 1898; Holland, June 24, 1898.

Electric-battery factories, lead: Germany, May 11, 1898.

Cotton-cloth factories: Great Britain, order of February 2, 1898.

Sorting foreign hides and skins: Great Britain, April 2, 1898.

Porcelain and decorated pottery works: Great Britain, May 7, 1898; August 6, 1898.

Wholesale tailoring, regulations concerning *piecework:* Great Britain, August 6, 1898; September 2, 1898.

Glazing of bricks with lead: Great Britain, December 17, 1898.

Dry spinning of Merino wool, etc.: Great Britain, December 24, 1898.

Manufactures of earthenware and china: Great Britain, October, 1898.

Alkali chromates manufactures: Germany, February 2, 1897.

Type foundries and typesetting: Germany, July 31, 1897.

Vulcanized rubber: Great Britain, May 1, 1898.

Wool sorting: Great Britain, ibid.

In *Belgium*, by the decree of 1807, a long list of industries was put into the dangerous class, but the foregoing must serve as examples. It may generally be said that in all European countries, including Great Britain, the system prevails of putting by law or by royal decree specified industries into the so-called dangerous classes, with the effect of allowing some executive department of the Government or the King himself to establish detailed regulations for the same, and also in many cases with the effect of subjecting such industries to stricter laws as to length of employment and periods required for rest.

It is also customary, as has been seen, in many continental countries for a legislature to depute to some exclusive branch of government or to the king the power to establish regulations for special industries without classing them as dangerous. An example of such an act may be found in the British act of August 6, 1897, entitled "An act to give power to make regulations with respect to cotton-cloth factories." As a result, elaborate ministerial orders have been issued.

Chapter V.

MINING LABOR.

There is no subject, with the possible exception of factories, upon which European legislation is so full and complete and specific as that of the regulation of mines, particularly coal mines and quarries. As there is a separate report on the subject of mining labor in volume V of the Industrial Commission's reports, prepared by Messrs. Durand and Willison, it seems undesirable to take up the necessary space for setting forth even one of them in this report. The laws of mines are always peculiar to the localities where the mines exist and the nature of the mines themselves, and are of little general interest except so far as they regulate hours of labor. As to this it is sufficient to say that the labor of women and girls in mines is now forbidden in most civilized countries. A good code upon mining law is the mining act of New Zealand. (New Zealand laws, 1898, chapter 38.)

Belgium. The law of April 11, 1897, provides a system of delegates for the inspection of all coal mines.

Great Britain. The statutory order of June 4, 1897, regulates with great particularity the employment of explosives in mines, with a schedule showing a list of such as are authorized. The matter will seem interesting only to a specialist, but may be found in the Belgian Labor Annual for 1898 (pp. 198 to 204).

Chapter VI.

AGRICULTURAL LABOR, DOMESTIC SERVICE.

No particular legislation upon this subject appears to exist in Great Britain, the English colonies, or any European country. There are, however, numerous local regulations contained in town ordinances, etc., in Germany and elsewhere.

Chapter VII.

RAILWAYS.

A comprehensive statement of the condition of railway labor in Europe, by Dr. Walter E. Weyl, will be found in No. 20 of the U. S. Bulletin of the Department of Labor, pages 1 to 117. For the hours of railway labor see Chapter I, Article B, Section IV.

CHAPTER VIII.

INDUSTRIAL EDUCATION.

ART. A. THE APPRENTICE SYSTEM.

In foreign countries the apprentice system remains in full force, and is usually subject to elaborate regulations. In *Great Britain* the system remains as at common law, though most of the unions restrict the number that may be employed.

FRANCE.

The French law of February 22, 1851, contains provisions concerning the apprenticeship contract generally, and regulates the conditions of apprenticeship in commercial establishments, stores, offices, etc. The law of February 22, 1892, prescribes the age at which apprentices can be employed, the hours of labor, etc., in industrial or manufacturing concerns. (United States Labor Bulletin, Vol. IV, pp. 839, 840.)

The apprenticeship contract is defined by the law to be one by which a manufacturer, the head of an industrial establishment, or a workingman obligates himself to instruct another person in the practice of his trade, who in turn binds himself to work for the former for the period and under the conditions agreed upon.

The contract can be made either in writing, by public act or under private signature, or orally. In case the sum in dispute as the result of any infraction of the contract, however, is more than 150 francs ($28.95), the contract must be proved by a written document. The written contract should be signed by the master and the representative of the apprentice, and should contain the name, age, and residence of the apprentice; the name, age, residence, and occupation of the master and of the parents or guardian of the apprentice, or a person authorized by the parents, or in the absence of any such person, by the justice of the peace; the date and duration of the contract, and the conditions regarding lodging, food, and any other stipulations entered into by the parties.

In general, any adult person exercising a trade in which apprenticeship is practicable has the right to have apprentices, subject only to the exceptions that will be given. A workingman, as well as an employer, can have apprentices, provided he works for himself and fulfills the conditions required by the law concerning his ability to give proper instruction, and exercises the proper oversight. A minor engaged in a commercial pursuit can have an adult but not a minor apprentice. The following persons are debarred from having apprentices, viz, those who have been convicted of a crime or of an attempt against good morals, or who have been condemned to more than 3 months' imprisonment for certain misdemeanors. This incapacity can be removed, on the recommendation of the mayor, by the prefect, or, in Paris, by the prefect of police, if the convicted person has resided in the same commune for 3 years after the expiration of his term of imprisonment.

An unmarried man or widower can not permit minor females as apprentices to lodge at his house.

The duties of a master toward his apprentice are to conduct himself as a good father toward the latter, to watch over his conduct and habits, either at home or outside, and to instruct him in the art or trade which was the object of the contract. He must inform his parents or guardian of any grave offenses that the apprentice

may commit, or of any vicious tendencies that he may manifest, or in case he is ill, absents himself, or commits any act requiring their intervention. Unless otherwise agreed upon, an apprentice must not be employed upon work that does not pertain to his trade, nor shall he be given work injurious to his health or beyond his strength.

The duration of actual labor must not exceed 10 hours per day for apprentices under 14 years of age, nor 12 hours for those from 14 to 16 years of age. No work at night, or from 9 p. m. to 5 a. m., can be required of apprentices under 16 years of age. No modifications of these provisions can be made except by the prefect, upon the recommendation of the mayor. No work can be required of apprentices on Sundays and legal holidays, except where by virtue of special stipulations in the contract or general usage they can be employed on those days in putting the shop in order, in which case such work must not continue after 10 a. m.

If an apprentice under 16 years of age can not read, write, or figure, or if he has not completed his first religious education, his master must give him liberty and time, which need not exceed 2 hours daily, in which to complete his education in these particulars.

At the end of the term of apprenticeship the master must give the apprentice a release or a certificate setting forth the execution of the contract.

The duties of the apprentice toward his master are those of fidelity, obedience, respect, and the performance of his work according to his full aptitude and strength. At the end of his apprenticeship he must make up for any time lost on account of sickness or absence, if of over 15 days' duration.

The apprenticeship contract can be terminated at any time by the agreement of both parties, or at the will of either party during the first 2 months of the contract, which are considered as a probationary period. The contract is terminated by the death of either party, or if the master or apprentice is summoned for military service, or if the master is convicted of any of the crimes disqualifying him from having apprentices, or, in the case of a female minor lodging at the house of her master, on the death of the master's wife or any other female head of the family who directed the household at the time of the contract.

Finally, the contract can be annulled through judicial procedure by either party: If the stipulations of the contract are broken; if the provisions of the apprenticeship law are seriously and habitually violated; if the apprentice habitually misconducts himself; if the master removes to another commune, in which case, however, the contract is not voidable until 3 months after the date of the removal; if either party is convicted of an offense involving imprisonment for more than a month; and if the apprentice marries. If the duration of the term of apprenticeship agreed upon exceeds that sanctioned by the local customs, it can be reduced or the contract can be annulled.

Any manufacturer, superintendent, or workman convicted of persuading an apprentice unlawfully to break his contract, in order that he may employ him as apprentice or workman, can be held liable for all or part of the indemnity that may be obtained by the master who has been abandoned.

The adjudication of disputes arising in relation to apprenticeship contracts is made by the council of prud'hommes, or, where there is no such body, by the justice of the peace of the canton. Violations of the provisions of the law regarding the disabilities of masters to have apprentices, the limitation of the working time of apprentices, or the giving to them of time for study are prosecuted before the police tribunal, and conviction involves a fine of from 5 to 15 francs ($0.97 to $2.90). Upon a repetition of the offense, the penalty can be augmented by imprisonment for 5 days, and where the second or subsequent violation is in reference to the law regarding the disability of masters to have apprentices consequent upon their having been convicted of a crime or of violating public morals, as above described, the master can be prosecuted before the bureau of correction and punished by imprisonment for from 15 days to 3 months, and the payment of a fine of from 50 to 300 francs ($9.65 to $57.90).

The foregoing provisions apply to apprentices in both commercial and manufacturing establishments, with the exception that the hours of labor, the age at which they can be employed, etc., of apprentices in the latter class of works are regulated by the factory act of 1892, the provisions of which are given elsewhere.

SWITZERLAND.

In Switzerland, with the abolition of the guilds, went the old system of apprenticeship that was bound up with it. Modern efforts for the training of young artisans in Switzerland, as in other countries, have taken the form of the development of

technical trade schools, and, to a certain extent, the enactment of legislation to provide regulations to take the place of the guild regulations that were abolished. The Federal Government, in the absence of any provision in its constitution permitting it, has no power to enact special laws concerning apprentices. No mention of apprenticeship contracts is made in the general law of 1883 regarding contracts, though contracts of this kind might have been regulated as were other contracts by this law. It is necessary, therefore, to turn to the legislation of the individual Cantons in order to learn what laws regarding this subject have been enacted in Switzerland.

It is only within comparatively recent years that the Cantons have attempted to regulate the conditions of apprenticeship by law. The general laws enacted by the Cantons for the regulation of labor in a number of cases, as will be seen when those laws are considered, contain provisions regarding the apprenticeship contract. The first step in the direction of the enactment of a special apprenticeship law was made by the Canton of Neuchatel by a law passed November 21, 1890. Geneva followed in 1893, Freyburg in 1895, and Vaud in 1896. It is scarcely necessary to give a statement of the provisions of all of these laws, since they are similar in most respects. The following translations of the provisions of the first and the latest laws, those of Neuchatel, November 21, 1890, and of Vaud, November 21, 1896, will show both the character of the legislation that has been enacted and the direction the movement for the legal regulation of apprenticeship in Switzerland is taking.

NEUCHATEL. Following is the law concerning the protection of apprentices passed by the Canton of Neuchatel, November 21, 1890:

For the purpose of elevating apprenticeship and developing the professional value of workingmen in the various arts and trades practiced in the Canton, and especially in the various branches of watchmaking, on the report of the council of state and a special commission, it is decreed as follows:

Supervision of apprenticeship. 1. Apprentices in each locality shall be under the supervision of the communal authorities. This supervision, according to the needs and importance of the localities, may be intrusted by the communal council to a special apprenticeship commission composed of an equal number of employers and employees possessing special qualifications for this duty.

2. In localities where there are councils of prudhommes these bodies must exercise, subject to the control of the communal authorities, the supervision of apprentices for which no special supervision shall have been organized by the unions (syndicats) of their trades, in conformity with article 3, that follows.

3. In places where employers and workingmen of the same trade have formed trade unions these bodies may, upon their request and the special decision of the council of state, be invested with the mission of supervising, under the control of the communal authorities, apprentices in their trades. Before undertaking this duty a union must prove that it represents at least a majority of the persons—employers and workingmen—interested, and each year must make a report to the communal council concerning the results of its supervision. This supervision must be exercised by a committee, half of whose members are elected by the employers' union and half by that of the employees.

4. If there exists only one union, either of employers or employees, to represent the interests of a trade, it may nevertheless demand that the supervision of apprentices in its trade be intrusted to a committee composed of an equal number of employers and employees belonging to the trade, half of whose members are elected by the union, provided that it shows that it embraces among its members a majority of the persons interested. The communal council will elect the other half from among the class not represented by the union.

5. The delegates of the communal authorities, as well as those of the commissions charged with the supervision of apprentices, shall have the right to visit at any time the apprentices in the shops where they work and control the course of their apprenticeship.

6. Among other things, they must assure themselves that the apprenticeship instruction is not neglected, and that the employer either himself instructs or causes the apprentices to be otherwise instructed in a gradual and complete way in the profession, art, trade, or branch of trade which is the object of the apprenticeship contract.

7. If in the course of their supervision, or as the result of complaints, they discover acts of abuse, negligence, or bad treatment, they must intervene immediately for the protection of the apprentice, and at the same time notify his parents, guardian, or the commune which has control over him.

8. An employer is prohibited from employing an apprentice without the execution of a written contract setting forth the duration of the apprenticeship, the conditions as regards remuneration and, where necessary, as regards board and lodging, and

the reciprocal obligations of the parties, which contract must be signed by the father, mother, or legal representative of the apprentice. This contract must be exhibited to the delegates charged with the supervision of apprentices whenever they request to see it.

9. The employer is likewise prohibited from employing an apprentice in work or services other than those relating to the exercise of his trade, except, however, in exceptional cases or as regards certain work or services sanctioned by usage and permitted by the authorities having the supervision of apprentices.

10. Each apprentice must be allowed during the work period such time as is necessary for the performance of his religious duties or the scholastic instruction required by law.

11. The normal hours of labor per day must not exceed 10 for apprentices from 13 to 15 years and 11 hours for those more than 15 years of age, inclusive of the time devoted to scholastic and religious instruction. In general, no night work shall be imposed upon apprentices, nor shall they be required to perform any work in their trade on Sundays or holidays. By night work is meant work performed between the hours of 8 p. m. and 5 a. m.

12. Exceptions from the preceding restrictions may be permitted in the case of trades and industries which require night work, or which must be exercised on Sunday, but the council of state as well as the communal authorities and the supervisory commissions shall always have the right to require that these exceptions be specially authorized.

13. There shall be instituted by the council of state in the department of industry and agriculture a commission, in which must be represented as far as possible the various trade unions officially recognized, having as its duty the study of the improvements that can be introduced in the service for the protection and supervision of apprentices, and the means of continually increasing the value of apprenticeship and the technical training of workingmen. It shall also, upon the recommendation of the apprenticeship commissions and the trade unions, prepare the programme of apprenticeship examinations, as hereafter provided

Examination of apprentices.—14. It shall be the joint duty of the department of industry and agriculture, the communal councils, and the apprenticeship commissions to organize examinations for the purpose of determining if the apprentices have acquired during their terms of apprenticeship the technical knowledge and professional aptitude necessary in order that they may exercise with intelligence and profit the trade they have chosen.

15. No person shall be permitted to take these examinations unless he is an apprentice in Neuchatel or one of the other Swiss Cantons, is less than 25 years of age, and has prosecuted at least half of his apprenticeship with an employer resident in the Canton.

16. These examinations shall consist of inquiries concerning the theory of the technical elements which it is considered should be known by the apprentice, but chiefly of the execution of practical tasks, so that it may be possible to judge of his skill and knowledge in respect to the rules and practices of his trade.

17. Diplomas indicating the results of the examinations shall be given by the department of industry and agriculture to those apprentices who show a sufficient capacity for the practice of their profession.

18. There shall also be given to the apprentices whose examinations show the most favorable results prizes and recompenses consisting of deposits in the savings bank, books, or instruments or tools made use of in the trade which they intend to follow. Scholarships may also be accorded to those apprentices giving evidence of exceptional aptitude and desiring to further perfect themselves in the practice of their art or trade. The council of state shall fix the number and value of these scholarships, as well as the conditions under which they will be awarded.

19. Provision must be made each year for an appropriation of not less than 3,000 francs ($579), to be distributed in prizes to apprentices receiving diplomas.

20. The objects made and presented at the examinations by the apprentices receiving diplomas must, in general, be publicly exhibited, with mention of the name of the apprentice making each, the results of the examination, and the name of the employer.

21. Candidates for apprenticeship diplomas must register themselves at least 3 months before the termination of their apprenticeship, either with the commission having charge of the supervision of apprentices in their districts or in their trades or with the communal council.

22. The apprentice who fails upon an examination shall not again present himself for examination until at least 3 months have elapsed.

23. The examination of candidates for apprenticeship diplomas shall be by a jury of 3 members, of whom at least 2—one an employer and the other an employee—must belong to the trade followed by the apprentices. If the conditions of the examinations require it, this jury may be composed of 5 members, of whom at least 4—2 employers and 2 employees—must belong to the trade. These juries are appointed by the apprenticeship commissions where there are such bodies, otherwise by the communal council.

24. All the provisions of this law apply equally to female apprentices.

Penalties.—25. Whoever is guilty of breaking article 8 of this law shall be punished by a fine of from 10 to 50 francs ($1.93 to $9.65). Whoever breaks articles 9, 10, or 11 shall be punished by a fine of from 50 to 100 francs ($9.65 to $19.30).

26. The present law shall enter into force after having been approved by the referendum.

VAUD.—Following is the law concerning apprentices passed by the Canton of Vaud November 21, 1896:

General regulations.—1. The present law relates to apprenticeship in industry, in the handicraft trades, and in commercial establishments. Its provisions constitute public law, and can not be changed by private agreements.

2. In case of doubt as to whether a person is subject to this law, the apprenticeship commissioner shall decide, from whose action an appeal may be taken to the department of commerce and agriculture.

3. All documents in reference to apprenticeship shall be free from stamp duties. Certificates, proofs, and forms shall be gratuitously provided. The forms may be procured from the communal chancellor and the clerk of the industrial courts.

4. It is unlawful to hinder an apprentice from fulfilling his duties or to induce him to leave his apprenticeship. Whoever, contrary to law, breaks an apprenticeship contract is liable for damages.

5. Whoever has been deprived of his civil rights by a judicial order may not have apprentices during the period of his punishment.

Apprenticeship contracts.—6. The conditions of each apprenticeship must be incorporated at its commencement in a written contract, for which the official form must be used.

7. Three copies of the contract must be made, one of which must be given to the clerk of the industrial court or the communal clerk, who shall transmit it to the apprenticeship commission, and the other two shall remain in the hands of the master and the apprentice or his legal representative.

8. The parents who apprentice their child become parties to the apprenticeship contract in respect to seeing that the apprentice fulfills his legal and contractual obligations.

Duties of the master.—9. It is the duty of the master to instruct the apprentice in a methodical and thorough way in the occupation or specialty to which the contract relates. He may, on his own responsibility, intrust this duty to a foreman or other competent workman. He is further obligated to see that the apprentice pursues his technical instruction, and to allow him the necessary time during working hours for this duty. He is prohibited from employing the apprentice in household or other work that does not relate to the trade he is learning.

10. The master must care for the apprentice, and may use paternal discipline if the apprentice is not under the direct supervision of his parents or legal representative. He must keep him at work and look after his development. He must inform his parents or legal representative if he is guilty of any serious misdeeds or shows evil tendencies. He must, in like manner, give notice if the apprentice becomes ill or absents himself, or if any other event occurs that makes the intervention of the parents desirable.

11. The master is bound to treat his apprentice well, to give him no bad advice nor set him any bad example, and to see that he receives no bad treatment on the part of the workingmen or others belonging to his family.

12. The master must care for the health and strength of the apprentice, and see that he is protected from overexertion or dangers which are not peculiar to the trade. He must make him mindful of the dangers of the trade and show him how they can be avoided. He must insure him against industrial accidents and bear half the cost entailed by such insurance. Exceptions, however, may be made, through order, in the case of industries presenting no dangers, in which case the employer still remains liable.

13. The hours of labor of the apprentice, including the time necessary for religious, ordinary, and technical instruction, must not exceed 10 per day. As an exception the period may be extended to 11 hours upon the condition that the weekly period

does not exceed 60 hours. An unbroken rest of at least 1½ hours must be allowed at noon. The apprentice must not work at night nor on Sundays. Work between the hours of 8 p. m. and 5 a. m. is considered as night work.

14. When the exceptional conditions of a business are such as to make it seem desirable, the administrative council may grant exemptions from the provisions of article 13. Where the conditions are such as to require it, the apprenticeship commission or its delegate may grant permission for a lengthening of the labor period, provided that the periods of rest are lengthened in a corresponding manner. This permission must be in writing, and must not be for more than a month nor be renewed more than 3 times in a year.

15. If the apprentice lives with his master, the latter must supply him with a clean living room, healthy food, and, in cases of temporary sickness, medical attendance, and, when no other agreement has been made, provide for such washing, lighting, and heating as may be necessary.

16. On the conclusion of the apprenticeship term the master must provide the apprentice with a certificate, signed by himself, which shall contain only information concerning the trade of the apprentice and the length of his apprenticeship. If this certificate is not given by the master the apprenticeship commission may, at the request of the apprentice, provide one. The master is prohibited from dismissing the apprentice before the end of his term, except upon justifiable grounds.

Duties of apprentices.—17. The apprentice owes obedience and respect to his master. He must work with diligence and conscientiousness under his supervision and advice.

18. He must attend the trade instruction which is given in his locality or near by, so far as it relates to his trade. The apprenticeship commission shall decide concerning the extent of this obligation.

19. He is prohibited from revealing the trade secrets of his master, or from informing strangers concerning his knowledge or business.

20. He is also prohibited from absenting himself without permission except upon sufficient excuse.

21. He is likewise prohibited from quitting his apprenticeship before the end of the term except upon justifiable grounds.

Supervision of apprenticeship.—22. Apprenticeship matters shall be watched over by apprenticeship commissions created by the industrial courts. In those districts which have no industrial courts the apprenticeship commissions shall be created by the administrative authorities (Regierung). The apprenticeship commissions are under the supervision of the department of commerce and agriculture, which may delegate this duty partly or wholly to a special official.

23. The commissions or their delegates shall look after the exact observance of the law, the execution of the regulations, and the apprenticeship contracts. They must inform themselves as to whether the master instructs his apprentice in his trade or specialty in a complete and methodical manner. They must likewise see that the apprentice is not given work injurious to his health or beyond his strength. They may grant permission for the temporary extension of the work periods (arts. 13 and 14). They must organize and oversee the apprenticeship examinations.

24. The commissions or their delegates must receive the complaints of the masters and apprentices or their legal representatives and transmit them to the proper authorities. According to their judgment, they must prepare regulations and make the rules necessary in relation to the matter of the breaking of apprenticeship contracts. They must inform the legal representatives of the apprentice whenever their intervention is necessary. They must furnish the apprenticeship certificate when the master fails to do so. They may, upon their own initiative or upon request, take an apprentice out of his apprenticeship if they are satisfied that the master does not possess the necessary technical knowledge, does not fulfill his duties toward the apprentice, or gives himself to drink, or upon other grounds.

25. A supervisory council in relation to apprenticeship shall be created in the department of commerce and agriculture, whose duty it shall be to study all means of improvement which the supervision of apprenticeship matters brings up, and the means by which the value of the apprenticeship system or the technical instruction of workingmen can be increased. It must organize and supervise the apprenticeship examinations in the Canton. For this purpose it must give the apprenticeship commissions the necessary instructions.

Apprenticeship examinations and conditions of apprenticeship.—26. Examinations shall be held under the supervision of the department of commerce and agriculture to determine if the apprentices have received or possess a satisfactory practical and theoretical knowledge. A special regulation shall determine the more exact conditions for the regulation of these examinations.

27. The department of commerce and agriculture shall give a diploma to each apprentice who, at the end of his apprenticeship, satisfactorily passes the examination. This diploma shall contain information concerning the result of the examination and the work and behavior of the apprentice during his term of apprenticeship. The results of the examination of the apprentices receiving diplomas shall be published, with their names and those of their masters.

28. Those apprentices who pass the examination with very good results may be given prizes, such as deposit books in savings banks, books, or instruments or tools which are necessary in their trade. Rewards may also be given to those who have instructed these apprentices.

29. Those apprentices who show special capacity in their examinations and desire to be still further instructed may be given stipends.

30. Upon the request or proposition of the communal council and the apprenticeship commission, the administration may make State contributions to (a) communes or associations that maintain courses for trade instruction; (b) industrial enterprises which take special care for the development of worthy apprentices; (c) those young persons who have the necessary capacity, but not the necessary means, to complete their apprenticeship term, with the coassistance of their native communes, and according to a tariff drawn up by the administrative council.

31. The communes must defray half the cost entailed by the examination of apprentices and the supervision of apprenticeship.

Civil disputes.—32. Disputes concerning apprenticeship shall be decided by the industrial courts, and when there are no such bodies, by the apprenticeship commission, from whose decision an appeal lies to the supervisory apprenticeship commission when the matter in dispute exceeds 500 francs.

GERMANY.

The law of 1897 contains detailed provisions for the regulation of apprenticeship in the Empire. These provisions are in the main but reenactments of prior existing regulations, the chief changes being in relation to the powers given to the various guild organizations to draft the details of the regulations for the different trades and their enforcement when promulgated. The following is a condensed translation of the provisions of the law of 1897 concerning this subject:

Only persons enjoying all their civil rights shall have the privilege of having and directing apprentices. This right can be temporarily or permanently withdrawn from persons who have frequently failed in a material respect to fulfill their obligations toward apprentices, or who have been guilty of acts contrary to morality and of a nature to make them unfit to have charge of apprentices. This right can also be withdrawn from persons afflicted with physical or mental diseases incapacitating them for the proper performance of that duty. The power of thus withdrawing the right to have or direct apprentices is intrusted to the lower administrative authorities, from whose action an appeal can be taken to the higher authorities.

The apprenticeship contract must be in writing, and be concluded within 4 weeks from the commencement of the service. The contract must show the industry to which the apprenticeship relates, the length of service agreed upon, an indication of the reciprocal duties of the parties, and the cases in which the contract can be terminated by one of the parties without the previous consent of the other. It must be signed by the employer or his representative, the apprentice, and the latter's father or guardian. These provisions do not apply to apprentices employed in apprenticeship shops recognized by the Government.

The duties imposed upon the employer are to instruct the apprentice in all matters relating to his trade; to require him to attend an industrial or finishing school; to see that he applies himself zealously and conducts himself properly; to guard him against bad habits, and to protect him from bad treatment on the part of members of his household or companions. The employer must personally direct the work of the apprentice, or place him under the direction of a competent person charged with his special instruction. He can not require of him work beyond his strength or which may be injurious to his health, and must not deprive him of the time necessary for his school instruction or for divine worship. Apprentices not living at the houses of their employers must not be required to perform household duties.

The apprentice must show himself faithful and obedient to his master, or those put in charge of his instruction, and must submit to the paternal discipline of the former.

Provision is made for a probationary period, which usually embraces the first 4 weeks of the apprenticeship term, but which may be extended so as to embrace not more than 3 months. The purpose of this provision is to afford an opportunity for the parties to determine whether the contract is satisfactory, and especially whether the apprentice has such an aptitude for the trade as to justify his continuance in it. During this period the contract can be terminated at will by either party. After the expiration of this period, however, the apprentice can not be dismissed unless he refuses to comply with the provisions of the contract, neglects his school work, or is guilty of some overt act, such as theft.

The apprentice, on his part, can terminate the contract if his employer neglects to carry out his obligations toward him, exposes his health to danger, abuses his right to correct him, neglects his education, or becomes incapable of fulfilling the conditions imposed upon him by the terms of the contract.

Upon the completion of the apprenticeship term, the employer must furnish the apprentice with a certificate showing the industry in which the apprentice has been employed, his length of service, degree of skill acquired, etc. When there are guilds or similar organizations for the trade, this certificate can be replaced by a diploma given by these bodies.

If the father or guardian, or the apprentice himself if he is of age, makes a written declaration that the apprentice desires to enter another trade, the contract can be terminated after 4 weeks' notice. In this case the transaction must be entered in the apprentice's pass book, or certificate, and the apprentice can not be employed in the same trade until after the expiration of 9 months, unless he obtains the consent of his former employer.

If an apprentice breaks his contract without due cause, his return can be compelled through the intervention of the police authorities. A demand for such assistance must be made within 1 week from the time of the departure of the apprentice. When the contract has been thus broken by the apprentice without justification, the employer is also entitled to damages. When definite provisions for damages have not been made in the contract, they will be calculated at a rate not exceeding one-half the wages paid in the district to journeymen or helpers in that trade for each of the days remaining until the end of the term agreed upon, but not to exceed 6 months. The obligation of paying this indemnity rests upon the apprentice's father, or the employer who induced the apprentice to break the contract, or took him as an apprentice knowing that he was already bound.

If the number of apprentices of any employer is out of proportion to the amount of the latter's business and the instruction of the apprentices is thereby jeopardized, the lower administrative authorities can compel the dismissal of some of the apprentices and forbid the taking of new ones, so as to bring their number within a certain figure.

The Bundesrath can determine for special categories of industries the maximum number of apprentices that can be employed. Until fixed in this way the central government can take similar action, and when this government fails to act the chambers of trades can limit the number of apprentices.

In the handicraft trades, only those persons have the right to direct apprentices who are 24 years of age and have completed the term of apprenticeship prescribed by the chamber of trades in the trade in which it is desired to instruct apprentices, or have exercised that trade without interruption for 5 years, either on their own account or as foremen, or in a similar capacity. The superior administrative authorities can, however, accord this right to persons not fulfilling these conditions. Before doing so they must take the advice of the guild to which the applicant belongs.

Apprenticeship can be served in a large industrial establishment or be replaced by work in an apprenticeship shop or other establishment for industrial education.

If an employer is a member of a guild, he is required to communicate to it copies of all apprenticeship contracts made with him within 15 days after their conclusion. The guilds can require the contracts to be made before them.

In the absence of regulations promulgated by the Bundesrath or central state authorities, the chambers of trades and guilds can make provisions limiting the number of apprentices that can be allowed.

In general, the term of apprenticeship is 3 years, though it may be extended by the addition of not more than another year. The chambers of trades, with the approval of the superior administrative authorities, and after having consulted with the guilds and associations represented, may fix the duration of apprenticeship in each trade.

Upon completing his term of service, the apprentice must be admitted to the examination for a journeyman's certificate. This examination is taken before commissions, of which there is one for each compulsory guild. Other guilds can only have an examining commission when permission has been obtained from the chambers of trades. When provision has not been made for the examination of candidates for each trade, either by guild commissions, apprenticeship shops, trade schools, or state boards of examiners, the necessary commissions will be created by the chambers of trades.

The examining boards must consist of a president, appointed by the chambers of trades, and at least 2 members, half of whom are elected by the guilds and half by the journeymen's commission. The examination must show that the apprentice is able to perform the duties of his trade with sufficient skill, that he knows the character and value of the materials he must make use of, and that he knows how to take care of them. The knowledge of bookkeeping and accounts may also be required. The result of the examination is entered upon the apprentice's certificate.

The title of master can only be borne by journeymen who, in their trade, have acquired the right to have apprentices, and who have passed the master's examination. In general, this examination can only be taken by those who have exercised their trade for at least 3 years as journeymen. The examination is given by a commission composed of a president and 4 other members created by the superior administrative authorities, and must show that the candidate is able to value and execute the ordinary work of his trade, and that he possesses other knowledge, especially that he is able to keep books and accurate accounts, fitting him to carry on the trade on his own account.

AUSTRIA.

The regulations of the contract of apprenticeship constituted, says Professor Willoughby, one of the earliest forms of labor legislation. The important regulations of November 20, 1786, and June 11, 1842, provided only for their moral and physical well-being. The general labor code of 1859 regulated anew this matter without introducing any very important modifications. Subsequent changes were introduced by the laws of March 8, 1885, and February 23, 1897.

An apprentice is considered as anyone employed by the head of an industrial establishment for the particular purpose of acquiring a technical knowledge of the trade, whether or not an apprenticeship fee is agreed upon, or whether or not wages are paid to him for his services. Any person at the head of an industrial establishment or carrying on a trade on his own account may keep apprentices if he or his representative possesses the necessary technical knowledge to insure that the apprentices will receive an adequate industrial education and training. No person, however, may have minor apprentices who has been convicted of any crime or illegal conduct, whether for the purposes of gain or against public morals or otherwise, or who has forfeited his right to have apprentices. This forfeiture of the right to have apprentices must be declared, either permanently or for a fixed term, if the employer is guilty of a gross violation of his duty toward his apprentices or young persons in his employ, or if facts are known that make it improper for moral reasons for him to have apprentices or young persons in his employ, regardless of the penalties which may be imposed in virtue of the industrial or penal codes.

The right to have apprentices must especially be withdrawn—at first for a fixed time, and, in case of a repetition of the offense, permanently—from such employers who, after repeated notices, fail to fulfill their obligations toward their apprentices regarding the latter's scholastic industrial training. The right to have apprentices is only withdrawn after the guild to which the employer belongs has had an opportunity to be heard. The industrial authorities may in exceptional cases grant exemptions to particular persons from the prohibition to have apprentices, due to their failure to comply with the provisions regarding the latter's education, where it is believed that no harm or injury can result.

The engagement of an apprentice must be by an express contract, which must be definitely concluded at the end of the probationary period. This contract may be verbal or in writing. If verbal, it must be entered into before the executive board of the guild to which the employer belongs, or, when such an organization is not in existence, before the communal authorities. If the contract is in writing, it must be

immediately transmitted to the guild or communal authorities. Whether verbal or in writing, the guild or communal authorities must enter the contract in a register to be kept for that purpose.

The contract must contain (1) the name and age of the employer, the industry which he carries on, and the address of his place of business; (2) the name, age, and residence of the apprentice; (3) the name, residence, and occupation of his parent, guardian, or other legal representative; (4) the date and duration of the apprenticeship contract; (5) a clause stating that in addition to the other legal obligations of the parties the employer binds himself to instruct the apprentice in his trade, or to have it done by a competent representative, and the apprentice will be required to apply himself diligently to his trade; (6) clauses showing the conditions of the contract as regards apprenticeship fees or wages, board, lodging, and clothing, the duration of the apprenticeship term, and the guild fee for the certificate of indenture and release.

The more important features of the contract must be entered by the communal authorities in the labor book of the apprentice.

Except in the cases otherwise specially provided by law, the term of apprenticeship must not be less than 2 nor more than 4 years in nonfactory trades, and not more than 3 years in factory trades. When an apprentice has served a portion of his term with one employer and is regularly transferred to the service of another, the time so served must be included in the entire term.

The first 4 weeks of the apprenticeship term must be considered as a period of probation, during which the contract can be terminated by either party. This period may be extended, but must not be longer than 3 months.

The employer must interest himself in the industrial education of the apprentice, and must not deprive him of the time and opportunity necessary for this purpose by using him for other purposes. He or his representative must look after the morals and deportment of minor apprentices, both in and outside the workshop. He must require of the apprentice diligence, good manners, and the fulfillment of his religious duties. He must not ill treat the apprentice, and must protect him from ill treatment on the part of fellow-workmen or members of his household. He must see that the apprentice is not required to perform work, such as transporting burdens, etc., which is beyond his physical strength.

The employer or his representative is further required to allow apprentices, who have not yet been absolved from the obligation to attend an industrial finishing school, or an institution of equal merit, the necessary time for attendance at the existing general industrial finishing schools (gewerbliche Fortbildungsschulen), as well as the technical finishing schools (fachliche Fortbildungsschulen), and also to see that they do attend such schools.

If an apprentice becomes sick or runs away, or any other important event occurs, the employer must immediately notify the guild to which he belongs, and the parent, guardian, or other representative of the apprentice.

The apprentice, on his part, must be obedient and faithful toward his employer, must conduct himself in an orderly manner, and must maintain secrecy regarding the work of his employer. He must fulfill his school obligations as above described. A minor apprentice may be subjected to paternal punishment by the employer under whose charge he lives. If an apprentice persistently neglects, through his own fault, to perform his school duties, the industrial authorities may, upon the report of the school authorities, extend the regular term of apprenticeship beyond the time specified in the contract. Such extension may also be made by the industrial authorities, if the guild reports that the apprentice has failed to pass the apprenticeship examination prescribed by the constitution of the guild. In no case, however, can the extension be for more than 1 year.

The apprenticeship contract may be dissolved by the apprentice, upon giving 14 days' notice, if he shows, by means of a declaration through his legal representative, that he intends to change his occupation and take up an entirely different trade; or that on account of changes in the circumstances of his parents his services are needed by them for their support or for the management of their business or trade. The reasons for the severance of the apprenticeship contract must be recorded in the labor book of the apprentice.

Within a year after the dissolution of the apprenticeship the apprentice may not be employed in the same trade or in an analogous factory industry, without the consent of his former employer. If this consent is refused, the apprentice may appeal, through his legal representative, to the legally constituted tribunal for the settlement of disputes regarding wage conditions, which authority may, when it deems it proper, give the necessary consent.

In addition to the cases mentioned above the apprentice may, upon giving 14 days' notice, sever his contract, if he shows beyond a doubt before the proper arbitration tribunal that his employer has been guilty of continuous harsh and unjust treatment of him, even though this conduct may not be such ill treatment as would entitle him immediately to sever the contract. If the contract is severed on this account, the provision regarding the obtaining of the employer's consent before the apprentice may engage in the same trade does not apply.

The apprenticeship contract may be immediately broken without giving notice by the employer (1) if it is shown beyond a doubt that the apprentice is incapable of performing his duties; (2) if the apprentice is guilty of any gross offense, such as theft, improper or immoral conduct, the disclosing of business secrets, or any punishable conduct rendering him unworthy of his employer's confidence, gross neglect of duty, carrying on another trade without the consent of his employer, etc.; (3) if the apprentice is afflicted with a loathsome disease or is prevented by sickness from performing his duties for over three months, and (4) if the apprentice is imprisoned for more than one month.

In the same way the apprentice may sever the contract without giving notice (1) if he can not continue in the work without injury to his health; (2) if his employer grossly neglects his duties toward him, attempts to lead him into immoral or unlawful conduct, abuses his right to inflict paternal punishment, or fails to protect him from ill treatment on the part of his fellow-workmen or members of his family; (3) if his employer is imprisoned for more than 1 month, or even for a shorter period, if no provision is made for his support; (4) if his employer, by way of punishment, has his right to carry on his trade temporarily suspended, and (5) if his employer removes with his business into another commune. In the last case the dissolution of the contract must take place within 2 months from the time of the removal.

The apprenticeship contract is ipso facto terminated by the death of the apprentice or the employer, by the retirement of the latter from the business followed, or by the inability of either of the parties to fulfill his contractual obligations. If the apprentice is connected with a guild, and his apprenticeship was terminated, through no fault of his own, before the expiration of the term it is the duty of the guild to see that the apprentice is employed by another employer. It is also the duty of the guild to act in the place of the legal representative of the apprentice as regards the making of a declaration setting forth the grounds for breaking the contract when such declaration can not be obtained in time from such representative.

Upon the termination of the apprenticeship the employer must furnish the apprentice with a certificate (*Zeugniss*), showing the trade in which the apprenticeship was served, the conduct of the apprentice, and the technical education that he has received. In case the apprenticeship is regularly completed, and the employer is a member of a guild, this body must prepare a formal apprenticeship certificate (*Lehrbrief*). In both cases the material contents of the certificates must be entered in the labor book of the apprentice and be attested by the local police authorities. (United States Labor Bulletin, Vol. V., pp. 572–575.)

Ontario.—Revised Statutes, 1897, chapter 161, provides with much elaboration for a system of apprenticeship whereby males over 14 and females over 12 may be bound out to the age of 18. The provisions are not essentially different from the English law on the same subject.

In *Belgium* there are no apprentice laws.

In *New Zealand* it is declared that the apprenticeship laws of Great Britain apply generally, but if the apprentice absent himself from his master's service before his term has expired he may be arrested and, upon a summary hearing before two justices of the peace, committed to jail.

In *New South Wales* children of 14 may be bound as apprentices for a term not longer than 7 years by the parents or guardians, managers of an orphan asylum, etc. Government services carrying on industrial work and companies may receive apprentices as well as individuals. Before an apprentice is bound he may be received on probation on such terms as may be agreed upon for a period of 3 months. No

apprentice except in farming or domestic occupations is bound to serve his master for more than 48 hours in any one week. For misconduct, absence, etc., apprentices may be committed to jail, and masters are forbidden under penalty of fine to discharge an apprentice before the term ends.

Western Australia.—The English laws of apprenticeship enforced January 1, 1873, are declared to apply to the act of 1872. No apprenticeship indenture can be annulled except upon proof of ill treatment or incompetency by the master, or incorrigible misconduct on the part of the apprentice.

Chapter IX.

COMBINATIONS OF EMPLOYEES, ETC.

ART. A.—TRADE UNIONS.

Sec. 1. Law Authorizing Trade Unions.

GREAT BRITAIN.[1]

The term "trade union" means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the principal act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

(1) The purposes of any trade union shall not by reason merely that they are in restraint of trade be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy and otherwise. (2) The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

Nothing in this act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely:

1. Any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ or be employed.

2. Any agreement for the payment by any person of any subscription or penalty to a trade union.

3. Any agreement for the application of the funds of a trade union (*a*) to provide benefits to members; or (*b*) to furnish contributions to any employer or workman, not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union; or (*c*) to discharge any fine imposed upon any person by sentence of a court of justice; or,

4. Any agreement made between one trade union and another; or,

5. Any bond to secure the performance of any of the above-mentioned agreements.

But nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

Provision is further made for registration of trade unions in the offices of the registrar of friendly societies. The registration is not obligatory, but any seven or more members of a trade union may

[1] 34 and 35 Vict., c. 31; 39 and 40 Vict., c. 32.

register by filing an application, with printed copies of the rules, titles, and names of officers, statement of receipts, funds, and expenditures, which must be renewed annually. The rules must set forth the name of the trade union, place of meeting for business of the trade union; the whole of the object for which it is established, the purposes for which the funds shall be applicable, the conditions under which any member may become entitled to benefits, the fines which may be imposed on members; the matter of making, altering, amending, and rescinding rules; the provision for the appointment and removal of a general committee, trustees, treasurer, and other officers; a provision for the investigation of the funds and for an annual or periodical audit of accounts; the inspection of the books and names of members of the trade union by every person having an interest in its funds. A copy of the rules must be delivered by the trade union to every person on demand on payment of a sum not exceeding 1 shilling. Trade unions so registered must have a registered office. Annual reports are made by the registrars of such unions to Parliament.

By an act of 1876 certificates of registration may be withdrawn at the request of the union, or on proof of fraud or mistake, or that the union has violated any of the provisions of the trade-union acts, or has ceased to exist. Such withdrawal cancels its privileges as a registered trade union, without prejudice to any liability incurred by it while registered. Two or more trade unions may amalgamate with the consent of two-thirds of the members of each, with or without any division of the funds, but not to the prejudice of any right of a creditor. Registered trade unions may purchase or lease land not exceeding 1 acre, and sell or mortgage the same, and all real and personal estate belonging to it shall be vested in the trustees of the central union, if the rules so provide. The trustees may sue and be sued concerning such property, and are not liable except for moneys actually received. They may require accounts from the treasurer.

A person under the age of 21, but above the age of 16, may be a member of the trade union, unless rules provide to the contrary. The funds of a trade union are exempt (56 Vict., c. 2) from the income tax, so far as they are devoted to the provision of provident benefits, but this exemption is limited to registered trade unions which give insurance to each member not in excess of £200. "Provident benefits" include any payment paid to a member during any sickness or incapacity, or while out of work, or to an aged member, or to a member who has met with an accident, or lost his tools by fire or theft, or to a payment in discharge of funeral expenses, or to the children of a deceased member.

FRANCE.

The penal code of 1810, articles 291 and 292 of the law of April 10, 1834, prohibits the formation of organizations of more than 20 members, unless the consent of the Government has been obtained. The Government may arbitrarily grant or refuse such application, impose conditions, or revoke permission. The suppression of the guilds in 1791, says Professor Willoughby, was almost immediately followed by the development of voluntary organizations of employers and workingmen. The Constituent Assembly, which had in the same year decreed liberty to work, saw only danger in these organizations. It therefore passed the law of June 14–17, 1791, which absolutely prohibited persons, whether employers or employees, connected with the

professions, arts, or trades, from holding deliberations "or from making agreements among themselves unitedly to refuse or to accord only for certain prices the assistance of their industry and their work." Under this law both the temporary coalition and the formation of permanent organizations by employers or workingmen were forbidden.

The prohibition of the formation of organizations continued, with the exception of a brief period following the revolution of 1848, until 1884. It should be said, however, that the Government was very tolerant in the enforcement of this law, and many organizations developed, especially after 1860.

The French bureau of labor has published annually since 1889 a list of all trade and agricultural associations and the various auxiliary institutions created by them. These annual reports, however, give no account of the development, purposes, or workings of these associations or their influence upon the condition of the working people. The present work is intended to supply this information.

This report consists of three parts. The first part contains a review of French legislation with regard to trade associations, coalitions, etc., from 1791 until 1884, and an historical review of the movement for organized labor from 1791 to 1898. The second part gives, by industries, an account of the development of each of the various tentative trade organizations in the principal cities of France which, after the passage of the law of 1884, became the regularly incorporated national and sectional trade federations. The third part of the report is devoted to an historical account of the various local federations of unions of different trades and the more important labor exchanges. The first part and so much of the second part of the report as relates to trade organizations in the agricultural, mining, food, chemical product, and printing and publishing industries are included in the present volume.

The legislation with regard to trade associations and coalitions has been almost entirely of a repressive character, and it was not until 1884 that the State fully recognized the right of association on the part of trade unions and similar bodies.[1]

In spite of the prohibitive legislation in force in France from 1791 to 1884, secret trade unions (*sociétés compagnonniques*) managed to thrive, and through their excellent organization, each trade having its own national federation, they rendered services to their members equal and sometimes superior to the modern authorized trade organizations. Their efforts were supported by the creation of mutual aid, cooperative productive, and mutual credit societies, labor congresses, etc. Mutual-aid societies were suppressed for a time during the first empire, but being finally authorized they served as a means of uniting the working people in their efforts to protect their wages and other interests. While the repressive legislation during three-quarters of a century impeded the collective relations between employers and employees, it neither prevented strikes nor the propagation of the various theories for the improvement of the condition of the working people.

The passage of the law of 1884 marked a new era in labor organization, and since that time the trade unions have been gradually replacing all other forms of labor association. They have their trade federations, labor exchanges, congresses, etc., and maintain auxiliary insti-

[1] For an account of French legislation on the right of association, etc., see U. S. Labor Bulletin No. 25, pages 836-839.

tutions, such as mutual-aid and credit funds, cooperative productive associations, employment bureaus, etc. The following table shows the number and membership of trade unions and the number of cooperative productive associations in France, by groups of industries, on January 1, 1898:

Trade unions and cooperative productive associations, January 1, 1898.

Industries.	Trade unions		Cooperative productive associations.
	Number.	Membership.	
Agriculture, forestry, and fisheries	69	8,002	2
Mining and quarrying	63	41,760	6
Food products	146	18,562	5
Chemical products	76	27,967	.....
Paper, printing, and publishing	197	13,944	16
Hides and leather goods	167	20,262	19
Textiles proper	169	35,432	9
Clothing, cleaning, etc.	129	8,092	6
Woodworking	199	13,588	23
Metals and metallic goods	286	38,316	19
Stone, earthenware, and glass	70	9,150	11
Building trades	450	33,795	89
Transportation and commerce	243	160,208	20
Other industries	60	8,725	2
Total	2,321	[1] 434,331	226

[1] This is not a correct total for the preceding items. The figures given are, however, according to the original.

Trade unions or industrial associations (*syndicats ou associations professionnels*), including those having more than 20 members of the same, similar, or allied trades, may be freely organized without obtaining governmental authorization.

These industrial associations must have for their exclusive object the study and protection of the economic, industrial, commercial, and agricultural interests.

The founders of any industrial association must deposit with the mayor of the locality, or in Paris with the prefect of the Seine, a copy of the constitutions and the names of all who, under any title whatever, are charged with its administration or direction. This deposit must be renewed whenever a change is made in the administration or in the constitutions.

These constitutions must be communicated by the mayor or the prefect of the Seine to the attorney (*procureur*) of the Republic.

All members of industrial associations who are charged with the administration or direction of the latter must be Frenchmen, and must be in the enjoyment of civil rights.

Industrial associations regularly constituted in accordance with the present law may freely form federations for the study and protection of their economic, industrial, commercial, and agricultural interests. These federations must report, as above specified, the names of the associations composing them. They can not possess real estate, nor have they any status in court.

Industrial associations of employers or of workingmen have a status in court. They may make use of funds derived from dues or assessments, but can not acquire real estate other than what may be necessary for their meetings, libraries, or for technical instruction.

They may institute among their members, without authorization, special funds for mutual-aid or old-age pensions, provided it is in conformity with other provisions of law.

They are free to create and carry on employment bureaus. They may be consulted in case of disputes and any questions relating to their special line.

In case of disputes, their advice may be placed at the disposition of all parties, who may take note thereof and make copies.

Any member of an industrial association may withdraw at any time, notwithstanding any clause to the contrary, but without prejudice to the right of the association to recover the dues for the current year. Any person who resigns his membership in an association retains his right to continue as a member of any mutual-aid or old-age pension societies toward which he has contributed either in the form of dues or of other payments.

When property has been acquired in contravention of law the nullity of the purchase or gift may be claimed by the attorney of the Republic or by the parties interested. In case of purchase burdened with certain conditions, the real property must be sold and the proceeds deposited in the association's treasury. In the case of gifts, they are returned to the donors, or their heirs, or administrators.

Directors or officers may be held liable for infractions of the law regarding industrial associations, the penalty being a fine of from 16 to 200 francs ($3.09 to $38.60). The court may also, at the instance of the attorney of the Republic, order the association dissolved, and may cancel the purchase of any property contrary to this act.

Public labor and trade unions, etc.- In France are laws, to which nothing corresponds in English or American law, providing for the performance of public work by trade unions or associations of workingmen; that is, by the decree of June 4, 1888, certain conditions were fixed by the Government under which associations of workingmen might in their collective capacity bid upon, and, if successful, perform, contracts for the performance of work or furnishing of supplies for the central Government. On July 29, 1893, a law was passed giving to the associations of workingmen the same privilege as regards the public work of the communes.

International associations of workingmen.- In France any international workingmen's association is declared illegal by the law of March 14, 1872, which declares that "every international association which, under any title, and especially that of the International Workingmen's Association, has as its object the suspension of labor or an attack upon the rights of property, the family, the country, religion, or the free exercise of religious belief, shall, by the mere fact of its existence and of its ramifications upon French territory, be an offense against the public peace." Affiliation with such an organization is punishable by imprisonment of from 3 months to 2 years, a fine of from 50 to 1,000 francs, and suspension from civil and certain other rights for from 5 to 10 years. This penalty can be increased in the case of persons convicted of holding any office or actively assisting in any function in the development of such an organization or in the propagation of its doctrines. Connivance in its work in any way, such as by renting a room in which meetings of the association or its branches are to be held, is also a punishable offense.

BELGIUM.

Article 20 of the statutes of 1831 provides that Belgians shall have the right of forming associations, and this right shall not be limited by any preventive measures. The law of March 31, 1898, permits trade unions to enjoy the rights of civil persons. The union professionnelle is defined as an association formed by persons following, in industry, commerce, agriculture, or the liberal professions, for the purpose of gain, either the same or similar professions (professions), or the same or similar trades (métiers) which cooperate in the production of the same products, having as its exclusive object the study, protection, and development of their trade interests.

Any organization comprehended in the above definition may enjoy the rights of civil persons within the limits and under the conditions set forth in the law. These limitations and conditions relate to the membership of unions, the lines of activity open to them, the general character of their constitutions and the recording of the latter with the proper administrative authority, the filing of annual reports and statements, the amount and kind of real estate that may be held, the manner of dissolving the unions, etc. The law thus determines in great detail the character that an organization must have, the general manner in which it must be administered, and what kind of work it can undertake and still profit by the provisions of the law.

A union must embrace at least seven effective members. Minors 16 years or over and married women may be members if the father, guardian, or husband does not oppose. When such opposition is offered, the minor or married woman may take the matter before a justice of the peace, who, after hearing the parties, will make a final decision. Minors, however, are only entitled to a deliberative voice. Honorary members, not to exceed one-quarter of the number of effective members, may be admitted even when they do not follow the trade to which the union relates.

Generally, unions can not themselves follow a trade or profession. They may, however, (1) make contracts, purchases, and sales of materials required in connection with their apprenticeship shops; (2) purchase, for the purpose of reselling to their members, raw materials, seed grain, fertilizers, animals, machines, and other instruments, and generally all objects required by their members for the exercise of their trade; (3) purchase the products of their members for the purpose of reselling them; (4) conduct commission operations in reference to (2) and (3), and (5) purchase animals, machines, and other articles, to be definitely retained by the unions, but to be placed at the disposition of the members with a view to their use in the pursuit of their trade.

In no case is a union permitted to make any profit by these transactions. The union may thus act in behalf of its members, but can not itself engage in business. When such operations are undertaken, a separate account, distinct from the other acts of the union, must be kept. A union may own and record trade-marks (marques de fabrique ou de commerce). It may permit their use by the members, but can realize no profit in that way.

Each union may frame its own constitution. This document, however, must contain the name of the union, the address of its headquarters, the object for which it is formed, the conditions upon which

members are admitted or can leave the union, the manner in which the union is governed or its property managed, the terms of office of persons charged with the government of the union, the manner in which the funds will be invested, the method of regulating accounts, the procedure to be followed in case of a revision of the constitution or a dissolution of the union, the means by which the regulations of the union will be enforced, and an agreement to attempt the settlement of labor difficulties by means of conciliation or arbitration. There must be attached to the constitution a list of the persons who participate in any way in the administration of the affairs of the union or the management of its property, with a statement of their nationality, ages, residences, occupations, and whether active or honorary members, and a declaration signed by the directors attesting that the union has been formed, as far as relates to its members, in conformity with the provisions of the law which define unions and specify the lines of work in which they may engage.

A member must always be given the right to resign from a union at any time, and when he does so he shall be required to pay only accrued and current dues. The government of a union can only be intrusted to Belgians, or foreigners authorized to take up their residence within the Kingdom and actually residing there. Officers must be chosen by the union itself from among its adult members, and three-fourths at least must be selected from among the active members. Women may participate in the administration.

The term of office for officers can not exceed 4 years, and their appointment must always be revocable by the general assembly.

Unions are prohibited from investing their funds in shares of commercial companies.

The dissolution of a union or the modification of its constitution can only be determined upon by a majority vote, consisting of at least three-fourths of the members present at a general assembly specially summoned for that purpose, and composed of at least one-half of the members entitled to vote. No union can, for the purpose of enforcing its regulations, make provisions which affect injuriously the rights of persons who do not belong to it. In no case can such regulations be made the subject of a civil action.

An important feature of the law is that whereby a system of registration of labor unions corresponding somewhat to that of Great Britain is created.

As in England, each registered union must each year file with the commission of registration a statement of receipts and expenditures for the year preceding, and, when required, an account of its operations in respect to the purchase and sale of articles produced or consumed by its members. Also, a list of officers and their addresses. Each union must keep on file at its headquarters a list of all its members where any member can consult it. A duly registered union may appear in court, either as complainant or defendant, for the defense of the individual rights of its members as such without prejudice to their right to give security.

It may own real estate necessary for its meetings, offices, trade schools, libraries, and various other purposes. It may receive gifts and bequests, but must sell real estate within a certain period. The dissolution of a union may be ordered by the courts upon request of a public minister or any interested party, when it fails to comply with

the provisions of the law, after due notification or summary hearing, and the decree must appoint one or more persons to act as receivers. Thereafter it exists only for the purpose of winding up its affairs, and after the payment of its debts its property is disposed of by returning the amount of gifts and legacies to the donors or their heirs and devote the net assets remaining to work similar to that of the union dissolved.

SWISS LAW.

Full freedom of association is guaranteed all citizens of Switzerland by their constitution of 1874. Article 56 of this document reads: "The citizens shall have the right to form associations so far as they are not either in their purpose or methods illegal or dangerous to the State. The abuse of this right may be prevented by cantonal legislation." The Federal Government thus can not enact laws restricting the right of association for legal purposes. The right of the Cantons to regulate abuses of this right has been but seldom, if ever, exercised.

GERMANY.

In Germany the law of September 7, 1811, while maintaining the old trade guilds as institutions necessary to unite persons engaged in the same trade, provided that membership in them should not be compulsory, and persons not members were permitted to employ labor and have apprentices, while the Government reserved to itself the right to unite in guilds persons exercising the same trade if it was believed that the public interests would be served thereby.

The law of January 17, 1845, maintained the guilds in so far as they preserved the apprenticeship system, but from 1860 to 1865 a large number of the German States enacted laws having for their purpose the freeing of industry.

The recent tendency has been to give the trade guilds in Germany still greater powers. By the law of 1869 it was made no longer necessary that each guild should embrace only members of the same trade a restriction which had prevented the formation of guilds in small places. The guilds were made civil bodies and given the power to hold land, to contract obligations, and to sue and be sued, and the collection of their dues was made enforceable by law. In 1884 the law provided that a journeyman not a member of a guild could not have an apprentice. The law of 1877 enabled the guilds to compel contributions for their expenses from persons outside the guild. All these laws relating to trade guilds were consolidated in the general law of July 26, 1897. Under this law a compulsory guild may be created where the majority of all the persons interested are in favor of it, this guild to include all members of a trade in a certain district. Under the labor code of 1869 workingmen have full right to form trade unions—that is, unions for the purpose of jointly attempting to raise their wages or to improve their condition in other respects, with provisions similar to those of the United States against intimidation. The formation of technical trade unions by workingmen is still left to the laws or the individual States of the German Empire.

The whole system of the legal regulation of trade guilds and apprenticeship, as has been said, is now set forth in the law of July 26, 1897

The essential features of this system are fully shown in the following paragraphs:

Persons carrying on trades on their own account can form guilds for the advancement of their common trade interests. The objects of these guilds shall be: (1) The cultivation of esprit de corps and professional pride among the members of a trade; (2) the maintenance of amicable relations between employers and their employees, the securing of work for unemployed journeymen, and their shelter during the period of their nonemployment; (3) the detailed regulation of the conditions of apprenticeship and the care for the technical and moral education of apprentices; (4) the adjustment of disputes between guild members and their apprentices, as contemplated by the law of July 29, 1890, concerning industrial arbitration.

In carrying out these purposes the following lines of action are specifically recommended by the law to the guilds: (1) The creation of institutions for the development of the industrial and moral character of masters, journeymen, and apprentices, and notably the maintenance of technical schools and the promulgation of orders for their administration; (2) the determination of the conditions under which persons may become masters or journeymen and the granting of certificates to that effect; (3) the establishment of funds to aid guild members and their families, journeymen, apprentices, and helpers in cases of sickness, invalidity, death, or other trouble; (4) the organization of arbitration tribunals to take the place of the ordinary arbitration authorities for the adjustment of disputes between members and their employees; (5) the creation of a general business organization for the purpose of advancing the trades for which the guilds are created.

In general the jurisdiction of a guild is limited to that of the administrative district in which it is located. Exceptions, however, can be authorized by the central authorities.

Each guild must have its individual constitution, setting forth the rules for its government, the rights of members, and its own obligations. This constitution must contain provisions concerning: (1) The name, location, and district of the guild, and the branch of industry for which it was created; (2) the objects of the guild and the permanent institutions, especially those for the benefit of apprentices, that it intends to create; (3) the conditions of admission, resignation, and expulsion of members; (4) the rights and duties of members, and especially the basis upon which dues will be assessed; (5) the appointment of a board of managers and the determination of its powers, the composition and powers of the guild assembly, the manner of voting, the verification of accounts, and generally the provision of a scheme of government for the guild; (6) the establishment and attributes of a journeyman's commission; (7) the enforcement of regulations concerning the employment of journeymen, apprentices, and helpers, and the attendance upon schools by apprentices; (8) the creation and fixing of the mode of procedure of arbitration tribunals between members and their employees; (9) the levying and enforcement of fines; (10) the manner in which the constitution can be amended or the guild dissolved.

The constitution must not contain any provisions which do not relate to the duties of the guilds as determined by the present law, or which contravene any legal provisions. It must be approved by the superior administrative authorities of the district in which the guild is located. This approval can only be refused when the constitution

does not conform to legal requirements, or when there is already in existence in the district a guild for the same industry or industries.

When any of the institutions enumerated above, such as aid funds, arbitration tribunals, etc., are organized by a guild, special regulations for their administration must be prepared, which must also be submitted to the authorities for approval. These officers can exercise their discretion in granting or refusing their approval, but must give their reasons when adverse action is taken. An appeal from this decision can be taken to the central government.

Separate accounts must be kept of the receipts and expenditures of each institution, and the funds of each must be kept separate from the general funds of the guild.

Guilds are corporate bodies, and can acquire property, make contracts, and sue and be sued in their corporate capacity. Their creditors have recourse only against the corporate funds of the guilds.

Membership in guilds is limited to the following classes of persons: Those who exercise on their own account in the district the trade for which the guild is created; those who hold the position of foreman or a similar office in a large establishment; those who fulfill the conditions of the above two classes, but have ceased to work without taking up any other trade, and handicraftsmen (*Handwerker*) working for wages in agricultural and industrial pursuits. Other persons, however, may be admitted as honorary members.

The admission of members can only be made subject to such examinations as are prescribed by the constitution, and this examination can only relate to the test of the capacity of the applicants to carry on their trades. Membership can not be refused to anyone fulfilling the legal and statutory requirements, nor can anyone be admitted without fulfilling these conditions.

Members can resign at the end of any official year, provided a prior notice is not required by the constitution. This notice can not be for a longer period than 6 months. Members upon resigning lose all right to a share in the property of the guild, and, unless it is otherwise specifically provided in their constitutions, in the funds of the subsidiary institutions. Upon the death of a member his interest devolves upon his widow or heirs, and the latter can be permitted by the constitution to vote in his stead in the guild assembly.

No member can be required by his guild to do anything or to pay any dues not having reference to the objects of the guild, nor can the funds of the guild be diverted to other purposes. Dues properly levied for the support of the guild or its subsidiary institutions, and fines, can be compulsorily collected in the same way as communal taxes. Disputes concerning dues are decided in the final instance by the superior administrative authorities.

Guild funds must be invested in the manner provided by the civil code in the case of orphan funds, and an accurate account must be kept of all receipts and expenditures. The approval of the supervising authorities is required for all important financial transactions, such as the purchase, encumbrance, or sale of real estate, or the alienation of property having an historical, scientific, or artistic value.

The guilds are given the power to create sick funds, through which the obligations imposed by the sick insurance law may be fulfilled. The administration of these funds may be intrusted exclusively to the journeymen and helpers, but if the guild members consent to pay half

the dues required, the president and half the committee of administration can be named by the guild.

Arbitration tribunals.—The arbitration tribunals organized by the guilds must be composed of a president, designated by the supervising authorities and not necessarily a member of the guild, and at least two members, chosen half from among the guild members and half from among the journeymen and other employees of the guild members. The representatives of the guild members are elected by the guild and those representing the workingmen by the workingmen themselves. Their expenses and an indemnity for loss of time are paid to members for each meeting they attend. The amount of this indemnity and the payment to the president are fixed by the special regulations for the arbitration tribunal.

Whenever a request is made for the intervention of this body it must convene within at least 8 days thereafter and must give its decision as soon as possible. If the decision is that something must be done, the defendant shall, if the plaintiff demands it, be ordered to pay a fixed sum in case he fails to obey the order within the time fixed by the tribunal. This penalty can be collected by a civil action. Decisions must be in writing. They acquire an executory force, unless an appeal is taken to the ordinary arbitration authorities within one month. In certain cases, as where an irreparable damage may result and the matter in dispute does not exceed 100 marks ($23.80) in value, the decision can be declared immediately executory. This can be avoided, however, by the person obligated giving a suitable guaranty.

The decision can be enforced by the police authorities, or in conformity with the procedure for enforcing civil judgments.

Government.—The administration of the affairs of the guild is intrusted to a guild assembly, a board of managers, and commissions for the management of the subsidiary institutions that may be created within the guild. The assembly is either composed of all the guild members or of a certain number of representatives, as may be provided by the constitution of each guild. The board of managers is elected by secret ballot by the assembly or by acclamation, if there is no objection. A record must be kept of all elections.

The law sets forth in considerable detail the respective spheres of action of the assembly and the board of managers. Without entering into these particulars, it is sufficient to say that all the more important acts, such as the voting of the budget, the acquisition of property, etc., must be approved by the assembly, while those of less importance may be settled by the board of managers.

The guilds have the right to supervise by delegates the execution of the laws concerning industrial work in their trades, and to examine the places of work and rooms destined for apprentices. If this power is availed of, the delegates must report their action to the inspectors of factories whenever requested to do so by those officers.

The journeymen employed by the guild members are permitted to participate in the management of the guild affairs within certain limits as prescribed by law and by the constitutions of the guilds. This they do through a journeymen's commission (*Gesellenausschuss*), whose mission is to participate in the regulation of the conditions of apprenticeship, the examination for journeymen's certificates, and the establishment and administration of all institutions in which the journeymen participate, or for the support of which they are required to

pay dues. The manner in which this participation is exercised must be regulated in detail by the constitution of each guild upon the following basis: At least one member of the journeymen's commission must take part in the deliberations of the board of managers; all members of the commission must take part in the work of the guild assembly; and, in all bodies for the administration of institutions for the support of which the journeymen contribute, the commission must elect members equal in number to those elected by the guild, not including the president.

Administrative control.—All guilds are subject to the oversight of the superior administrative authorities of the districts in which they are located. This oversight consists especially in the duty of the authorities to see that all legal and statutory requirements are fulfilled by the guilds. Compliance with these obligations can be compelled by the imposition of fines. The authorities adjust disputes relative to the admission or exclusion of members and elections. They have the right to have a representative present at examinations. They convoke and direct guild assemblies when the board of directors of a guild refuses or neglects to summon them. The presence of a representative of the authorities is necessary at all deliberations at which the subjects of the modification of the constitution of the guild, or of the regulations of any of its institutions, or the dissolution of the guild are under consideration. The authorities can dissolve a guild whenever it refuses to comply with the legal requirements, does not properly perform its duties, or becomes so reduced in membership as no longer to be able effectively to accomplish its mission. The method to be pursued in bringing about the dissolution of a guild is carefully stated in the law, but is not of sufficient importance to be here reproduced.

Compulsory guilds.—As has already been pointed out, the German Parliament, while desiring to foster the growth of trade guilds, was unwilling to take the radical step of making the creation of such institutions compulsory upon employers and journeymen. Instead it adopted the compromise measure by which compulsory guilds shall be created only under certain circumstances and when the persons interested seem to be in favor of their establishment.

The law thus provides that when the majority of the interested parties in a certain district consent to the introduction of the principle of compulsory guilds, the superior administrative authorities can create such an institution. When this is done membership is compulsory upon all persons carrying on the trade to which the guild relates on their own account, whether they were in favor of a compulsory guild or not. Exception is made in favor of those persons who are at the head of large industrial establishments (factories) and those who do not employ journeymen or apprentices. These persons, however, can become members if they desire to do so. The constitution of each guild will determine, subject to the approval of the higher administrative authorities, the extent to which handicraftsmen (*Handwerker*) who are employed in agricultural and industrial pursuits for wages and as a regular thing employ journeymen or apprentices, and persons conducting a household industry, shall be members of the guilds.

The boundaries of a guild district must be so fixed that no member will be so far removed from the guild headquarters that he can not

participate in the corporate life of the guild or benefit by its institutions. A compulsory guild, moreover, can only be created where there are a sufficient number of persons qualified to become members to insure that the guild will have sufficient strength to support the burden of its necessary expenditures.

The action of the authorities upon a request for the establishment of a compulsory guild, whether it is favorable or unfavorable, can be appealed from to the central government. An appeal also lies to the same body when the authorities have refused to approve the constitution of a compulsory guild.

The central government, upon the request of the parties interested, advances the money necessary to meet the first expenses of administration.

When a compulsory guild is created, all voluntary guilds in the district in the trades to which the new guild relates must be dissolved. When this is done the property of the voluntary guilds, except in certain special cases, goes to the compulsory guild that replaces them. In those cases where sick funds have been created by virtue of the sick insurance law they are transferred with all their rights and obligations to the new corporation. The superior administrative authorities, however, can abolish these funds if the guilds do not correspond in respect to the boundaries or trades comprehended. All questions regarding the equitable adjustment of rights or duties growing out of this transaction are settled by the superior administrative authorities, subject to an appeal to the central government.

Members of compulsory guilds can not be compelled against their wish to contribute to aid funds which are not comprehended by the law for the compulsory insurance of workingmen against sickness. The guild also is prohibited from carrying on any common industrial undertaking, but it can promote the creation of institutions which have for their purpose the advancement of the trade and economic interests of its members, such as loan funds and organizations for the purchase in common of materials or for the sale of products. It can also aid such works by subsidies, but can not impose special dues for that purpose.

Guilds can not restrict in any way the freedom of their members in fixing the wages of their employees, or the prices for their goods, or the acceptance of clients. All contracts to the contrary are void.

At least two-thirds of the members of the board of managers and of the various guild commissions must be persons having the right to employ apprentices, and must regularly employ apprentices or journeymen. The members of the commission on apprentices must employ both these classes.

In order to meet the expenditures required by the operations of the guilds and journeymen's commissions, dues must be provided for by the constitution upon such a basis that the contribution of each industrial enterprise will be in proportion to its financial capacity. Where an industrial tax is levied by the central government, these dues can be collected as an addition to this tax. The constitution of a compulsory guild can provide that members who do not regularly employ apprentices or journeymen may be wholly or partially exempted from the obligation to pay dues. It can also provide that those persons who voluntarily affiliate themselves with the guild shall only pay certain fixed dues. The levying of entrance fees is prohibited, and the

imposition of dues for the maintenance of institutions within the guild must receive the sanction of the supervising authorities.

Compulsory guilds must prepare annual statements of their expenditures and must present annual reports to the supervising authorities.

A compulsory guild will be dissolved at the request of its assembly when one-fourth of the members obligatorily affiliated with the guild have requested the board of managers to take action, a notice of at least 4 weeks of the assembly meeting at which the subject of dissolution was discussed has been given, and three-fourths of the members at this assembly have voted for dissolution. When dissolution takes place, any surplus funds that the guild may possess are distributed by the supervising authorities to the aid-funds belonging to the guild, or to the free guild, if such a one is created to take the place of the compulsory guild dissolved, or to the chamber of trades. This action must be approved by the superior administrative authorities, from whose action an appeal can be taken to the central government.

Guild unions.—Several or all of the guilds subject to the same supervising authorities may form a union for the care of their common interest. When created, certain of the rights and duties belonging to the individual guilds can be transferred to it. The constitution of the guild union must be approved by the superior administrative authorities, from whose decision an appeal can be taken to the central government. The union can be given the power to acquire property, to contract obligations, and sue and be sued in its own name. In general, these unions are subject to the same supervision and control by the Government authorities as the individual guilds.

Guild federations. Guilds not subject to the same supervising authorities can form federations. These federations have as their mission the protection of the interests of the trades represented, the assistance of the guilds, guild unions, and chambers of trades in carrying on their work, and the assistance of the Government authorities, by recommending action when the occasion seems to require it. They are authorized to take charge of securing employment for workingmen out of work and to establish trade schools.

The constitutions of federations must be approved by the superior administrative authorities when the jurisdiction of the guilds included does not extend beyond the jurisdiction of those authorities; by the central government when it relates to guilds in a number of districts; and by the chancellor of the Empire when it relates to guilds in two or more federated States. Approval can be refused only when the constitution does not conform to legal requirements, or contemplates action by the guild not authorized by law, or if the number of the guilds composing the federation is not sufficient to properly carry out the object of the federation.

The law regulates in great detail the manner in which these federations shall be governed and the extent to which their acts are subject to the approval of the Government. These provisions, however, are so similar in principle to those governing the guilds and guild unions that it is unnecessary to reproduce them. Like these bodies, the federations can hold property, create aid funds, and act in a corporate capacity. They can be dissolved in much the same way as guilds or guild unions.

Chambers of trades.—The central government can create chambers of trades to look after the handicraft trades of the districts for which

they are created. These chambers have for their mission: The detailed regulation of the conditions of apprenticeship; the supervision of the execution of these apprenticeship provisions; the assistance of the central and communal authorities in their efforts to advance the interests of the handicraft trades, by furnishing information and making reports concerning trade matters; the giving of advice on action proposed in relation to these trades, and the preparation of annual reports giving information collected by them concerning trade conditions; the creation of commissions to conduct examinations for the granting of journeymen's certificates, and the creation of commissions to adjust disputes arising out of the action of these examining commissions.

These chambers can also create institutions to promote the industrial and moral welfare of employees and apprentices, and especially can establish or subsidize trade schools. The regulations regarding apprenticeship must be submitted to the central government for approval and must afterwards be published. These regulations will supersede any provisions of the constitution of the guilds or guild unions that may be in conflict with them. These bodies are required to execute the orders made by the chambers when acting within their powers.

The constitutions of the chambers are formulated by the central government, and must set forth in detail the name, powers, purposes, and scheme of government of the chambers. The number of members of each chamber will be determined by its constitution. The members are chosen by the guilds from among their members, and by the trade unions (*Gewerbevereine*) and similar organizations, one-half of whose members, at least, are journeymen working within the district. To be eligible for election, candidates must fulfill various requirements, the most important of which are that they shall be 30 years of age, have carried on a trade on their own account for at least 3 years in the district, and have the right to employ apprentices. The chambers can provide by their constitutions that not more than one-fifth of the members shall be experts selected by the other members, and that, furthermore, other experts with a consultative voice only can be summoned to the meetings.

All the more important affairs of the organizations are managed by the full chambers. Matters of detail are left to a board of managers elected from among the members. It is the duty of the supervising authorities to appoint an official commissioner, who must be summoned to every meeting of the chamber, of the board of managers, or of the different commissions. This commissioner has the right to be heard whenever he desires to speak, to examine all the papers of the chamber, to bring forward propositions for consideration, to demand the convening of the chamber, and to suspend its decisions or those of any of its organs whenever he deems that their legal powers have been exceeded.

A journeymen's commission must be established in connection with each chamber. The duties of this body are to give advice and assistance in the preparation of reports concerning the situation of journeymen and apprentices, and to assist in the preparation of regulations for the government of apprentices, and in the adjustment of appeals against the decisions of the examining boards. The members of these commissions are chosen by the journeymen's commissions of the guilds under the direction of the supervising authorities. Their number and

apportionment among the different journeymen's commissions are determined by the constitution of each chamber.

The expense of organizing and administering the chambers, as far as it is not met in some other way, must be defrayed by the communes, which will apportion it among the different trades as determined by the superior administrative authorities. The chambers have the right to impose fines, not exceeding 20 marks ($4.76) in value, as penalties for the infraction of their rules.

The chambers are subject to the supervision of the superior administrative authorities of the districts in which they are located. If a chamber is repeatedly guilty of opposing the supervising authorities, or neglects to fulfill its obligations, or breaks the law for its regulation, either by acts of commission or omission, or pursues objects foreign to those authorized by law, it can be dissolved by the authorities and the election of a new chamber proceeded with. An appeal against this action can be made to the central government.

The administrative authorities and the chambers and their various commissions are required to render each other all possible assistance in carrying out the objects of the present law. (Bulletin Department of Labor, Vol. V, pp. 319–328.)

AUSTRIA.

In Austria trade unions are absolutely prohibited both by the penal code of 1852 and the general labor code of 1859, but the laws of November 15, 1867, permit the formation of trade unions and the right of assembly or holding meetings under strict governmental control.

The law concerning association provides that unions (*Vereine*) can be formed by workingmen only in conformity with its provisions. Specially excepted from its provisions are all unions or associations organized for purposes of gain, banks, insurance companies, and the like, all religious orders or congregations, bodies such as guild and guild organizations created by virtue of the general labor code, and relief funds and other organizations provided for in the laws relating to mines.

Persons desiring to form a union, as comprehended under this law, must file with the political authorities (*politische Landesstelle*) 5 copies of the constitution of their proposed union. This constitution must show: (1) The purpose of the union, its resources, and the manner of obtaining them; (2) the method of organizing and changing the union; (3) its location; (4) the rights and duties of members; (5) the scheme of government adopted; (6) the conditions under which proclamations, resolutions, etc., are made; (7) the method of deciding disputes regarding the affairs of the union; (8) the representation of the union by delegates, and (9) the provisions regarding the dissolution of the union.

In case the constitution is approved, one copy will be retained by the political authorities, one will be made use of for statistical purposes, one will be sent to the political authorities of the district in which the union is located, one will be turned over to the official having special charge of unions (*Vereinsreferent*), and the remaining copy, with the certificate of approval annexed, will be returned to the person filing it.

The copy of the constitution on file must be open to the inspection of all persons, and copies of it can be made when desired.

The authorities are allowed 4 weeks in which to take action upon the request that a constitution of a union be approved. Approval can be

refused if the union relates to matters or comprehends action in violation of law, or that is believed to be dangerous to the security of the State. The applicants must be notified when a constitution is disapproved, and informed of the reasons for such action. In such cases an appeal can be taken within the next 60 days to the minister of the interior.

When an application has not been disapproved within the 4 weeks following the filing of copies of the constitution, or the applicants have earlier been informed that their application will not be disapproved, the union can begin operations. Whenever requested by a recognized union, the authorities must issue a certificate setting forth, according to the contents of the constitution, that the union is legally constituted.

The foregoing provisions apply equally to the formation of branch unions and federations of unions, except that those unions or federations which have branches in a number of countries must file their constitutions with, and make application for authorization to begin operations to, the minister of the interior instead of the political authorities of the State.

After a union is legally constituted, its governing board must send to the authorities a list of all members, indicating their addresses, and those who are deputed to represent the union in dealings with third parties, within 3 days after their admission. This information must be furnished by each branch of a federation of unions. The authorities must also be furnished with 3 copies of all reports, accounts, or similar documents which are distributed among the members. Compliance with the provision can be enforced by the authorities by the imposition of fines not exceeding 10 gulden ($4.06).

Unions can hold public meetings, but only members and guests specially invited by cards bearing their names can take part in the proceedings. No person, whether a member or an auditor, can be allowed to attend with arms. It is the duty of the president to enforce this provision. Not less than 24 hours' notice of the time and place of all public meetings must be given to the authorities.

It is the duty of the presiding officer to see that all legal requirements are complied with during the meeting. He must issue orders to that effect, and if they are not obeyed must close the meeting.

The local authorities have the right to send a representative (*Abgeordneter*) to any meeting of a union. Such representative must be provided with a suitable place, and must be furnished with the name of a speaker or person presenting a proposal, whenever he so requests. He also has the power to require that a record be kept of any transaction that takes place or conclusion that is reached. The authorities can use their discretion in regard to the exercise of this power. The Government can also inspect such record at any time.

The forgoing provisions regarding public meetings and the sending of a delegate by the authorities do not apply to business meetings of the governing bodies of unions.

It is the duty of the authorities to prohibit any meeting of a union where the conditions of this law are not complied with, and, if necessary, to close such a meeting after it is assembled. The same actino must be taken by the delegate of the Government, or in his absence by the authorities, in the case of a properly convened meeting, when illegal proceedings take place in the meeting, when matters are taken

up which are outside of the powers of the union as defined by its constitution, or when the meeting assumes a character threatening the public order.

Immediately upon a meeting being declared closed the persons present must leave the meeting place and disperse. If they do not do so the authorities can use force, if necessary, in compelling such action.

Petitions or addresses emanating from the union can not be presented by more than 10 persons.

A union can be dissolved if it passes resolutions or takes action in any direction forbidden by law or outside of its powers, and especially when it no longer fulfills all the conditions upon which its legal existence rests. The engaging in political action by a union not organized for that purpose, and thus not having fulfilled the special conditions required for the formation of such a union, would be ground for its dissolution. The dissolution is, in general, declared by the superior authorities (*Landesstelle*), from whose action an appeal can be taken within 60 days to the minister of the interior, or directly by the latter officer in the case of unions with branches in a number of countries. The lower authorities (*Unterbehörde*), however, can prohibit all action on the part of a union until the above-mentioned authorities decide the matter definitely.

The superior authorities must be notified by the retiring officers of any union voluntarily dissolved, and this fact must be published by them in the official journal. The same publication must also be made when a union is dissolved by the authorities. In this case information must be added showing the action taken in reference to the disposition of the possessions of the union.

The responsibility for the enforcement of this law belongs in general to the authorities having charge of the public safety (*Sicherheitsbehörde*) where such a service exists, otherwise to the political authorities of the district. In cases where the public order or security is dangerously threatened, however, any other authority having the care of the public safety can prohibit or close any meeting of a union convened or held contrary to the provisions of this law, or prohibit all action on the part of a union formed without complying with all legal requirements or taking illegal action after formation. Notice of such action must be immediately given to the ordinarily competent authorities.

A special chapter of this law relates to unions of a political character and imposes upon such unions various other conditions additional to the foregoing which apply to nonpolitical organizations. The purpose of these provisions is to bring such unions under a still more rigid governmental supervision. An examination of them, however, falls without the scope of the present paper.

Infractions of the law of association, in so far as they are not provided for by the general penal law, can be punished by imprisonment for not more than 6 weeks or fines not exceeding 200 gulden ($81.20) in amount. In the case of war or other disturbance the provisions of this law can be wholly or partially set aside, either generally or for a particular locality, by the Government.

The law concerning the right of assembly is very similar to that regarding the right to form permanent unions, and its provisions, therefore, need not be reproduced in detail. The Government retains the same rigid control over assemblies as over the meetings of unions.

Notice of public meetings must be given to the authorities, who have the right to send delegates to see that the terms of the law are complied with. In case any illegal action is taken or the public order is threatened the meeting can be dissolved. Petitions or addresses can not be presented by more than 10 persons. While the Reichsrat or a provincial Landtag is in session no open-air public meeting can be held within 5 meilen (about 22½ miles) of the place where it is in session. The penalties for infractions of the law are the same as those in respect to the law concerning the right of association.

The temporary coalition on the part of employees for the purpose of raising wages or otherwise improving their conditions, or of employers for the purpose of lowering wages or making the conditions of their employees harder, is regulated by a special law enacted April 7, 1870. This law, which was passed chiefly as the result of the parliamentary demonstration of the Viennese workingmen of the previous year, repeals the sections of the penal code of May 27, 1852, by which strikes and lockouts were made penal offenses. In their place it substituted the following provisions:

All coalitions on the part of employers or employees, as above described, as well as all agreements for the support of those persisting in such action, or the damage of those departing from such coalitions and agreements by employers to raise the price of their wares to the damage of the general public, shall not be considered as contracts that can be enforced at law. Furthermore, whoever, for the purpose of accomplishing the objects of such a coalition or agreement, by means of threats or force, hinders or attempts to hinder employers or employees in the free exercise of their will regarding the giving or accepting of work, so far as such action does not incur a severer penalty under the penal code, shall be punished by imprisonment for from 8 days to 3 months.

The effect of this law is that by the repeal of the sections of the penal code relating to the subject strikes and lockouts are no longer penal offenses. On the other hand, agreements having that object in view do not constitute contracts that can be enforced at law, and any attempt at coercion or the use of violence are made offenses punishable by imprisonment.

Before leaving this subject it should be noted that the Austrian Government, through the right possessed by the authorities of forcibly transporting persons without visible means of support to their native communes, is able effectively to intervene in industrial disputes and break up strikes, a power which it has not hesitated to use as occasion seemed to require.

Trade guilds.—As in Germany, the effort to restore the old trade guilds (*Innungen*) to a position of power, and to make of them an essential factor in the industrial organization of the country, constitutes a distinctive and important feature of labor legislation in Austria. The old guilds, for many years declining in importance, had at the time of the enactment of the industrial code of 1859 reached the last stages of decay. This code, as one of its main purposes, attempted to restore the power of these associations. It made it obligatory upon employers to maintain their relations with their guilds, or to restore them when they had been discontinued.

Further efforts to reorganize the guilds so as to bring them more in harmony with changed industrial conditions, and to make of them efficient organizations, were made in the laws of March 15, 1883, and February 23, 1897. The law of 1883 is of especial importance. It established the guilds upon a new basis, which exists at the present time, as the law of 1897 introduced but slight modifications. The most important feature of the law of 1883 is that whereby the fundamental difference is recognized between the conditions in the large industrial establishments or factories and those in the handicraft trades. The true sphere of activity for the guilds were seen to be in bringing together for purposes of mutual benefit the small independent employers and artisans. The law, therefore, exempted the heads of factories from the obligation of membership in the guilds. The powers and duties of the guilds as regards the small employers and handicraftsmen, however, were considerably enlarged. It was hoped through the guilds to enable these classes better to hold their own against the growing power of the large establishments. The whole legislation regarding guilds must be looked at in this light, as an effort to bolster up the individual artisan and small employer, who seemed on the point of becoming extinguished by the large establishment. With this explanation a statement of the legal regulations now in force concerning guilds will be given.

The principle of obligatory guilds is unreservedly accepted. The law provides that whoever carries on a trade on his own account or as a contractor becomes by virtue of his undertaking such trade a member (*Mitglieder*) of the guild for his industry and district, and must fulfill all the duties incident to such membership. At the same time all the employees become associates (*Angehörige*) of such guild. This obligation applies only to the handicraft trades, and thus does not relate to factory owners and factory employees.

It is the especial duty of members to pay the required membership fees, and proof must be made of such payment when they report their establishments to the proper authorities or apply for licenses to conduct any of the licensed trades. When the same person carries on several trades he must be a member of the guild for each one.

Wherever there is a guild embracing the persons carrrying on the same or related trades on their own account or as contractors in the same or adjoining communes (*Gemeinde*), its organization must be maintained. When such action is necessary, however, it must revise its constitution and regulations so as to bring them in conformity with the present law. When this is done the new constitution must be approved by the provincial authorities (*Landesstelle*). The customary local designation—Gilden, Innungen, Gremien, etc.—may be retained.

In case such an organization is not in existence, and local conditions do not make it impracticable, it is the duty of the industrial authorities (*Gewerbebehörde*), upon the approval of the existing guild union and the chamber of commerce and industry, who must give the persons interested an opportunity to be heard, to create one.

If necessary, a single guild may include persons in several districts or in several related industries. The boundaries or jurisdiction of a guild may be at any time fixed or changed by the political authorities, upon the advice of the chamber of commerce and industry, and after the persons interested have been heard. Where a number of separate guilds have hitherto existed in the same industry, they may, upon

mutual consent being obtained, be united in a single guild by order of the authorities, upon the advice of the chamber of commerce and industry. In the same way an organization including different trades may, where the conditions are such as to permit it, be divided into a number of different guilds.

In all cases where a doubt exists whether particular trades should be incorporated in a guild, or regarding the guild to which they should be assigned, the matter will be decided by the authorities (*Behörde*) after hearing the chamber of commerce and industry and the interested guilds.

The purpose of guilds is declared to be the fostering of the esprit de corps, the maintenance of the professional pride of their members and associates in their work, the establishment of sick and provident funds for the benefit of their members and associates, the advancement of the general interests of their trades through the creation of credit institutions, warehouses for storing raw materials, and sales rooms, and the introduction of improved methods of production. In no case shall the entry upon or prosecution of a trade be restricted by these guilds in any way further than as specifically set forth in the present law.

More particularly the functions of guilds are (1) to maintain harmonious relations between employers and their employees, especially in respect to the organization of the labor force, the provision of guild shelters or lodges, and the securing of employment for persons out of work; (2) to provide for a satisfactory apprenticeship system, by the preparation of regulations, subject to the approval of the authorities, regarding the technical and moral instruction of apprentices, the length of their terms of service, examinations, etc., and the watching over the compliance with these regulations, the ratification of the certificates granted to them, and the determination of the conditions to be required for the keeping of apprentices, and the number of apprentices in proportion to the number of other employees; (3) to create arbitration committees for the adjustment of disputes between members of the guilds and their employees arising out of their labor, apprenticeship, and wage relations, and to create arbitration institutions for the adjustment of disputes between members of a guild, for which purpose several guilds may unite; (4) to further the creation of and themselves to establish and maintain trade schools; (5) to care for sick employees through the creation of new or the support of existing sick funds; (6) to care for sick apprentices, and (7) to prepare an annual report of the work of the guild which may be of use in the preparation of trade statistics. In addition to this regular report, guilds must, whenever called upon, furnish the chambers of commerce and industry of their districts information or advice upon particular subjects within their province. They must also especially give their opinion to the industrial authorities, whenever it is requested, concerning the granting of a trade certificate (*Gewerbeschein*) authorizing the prosecution of a handicraft trade, or a license to carry on a licensed trade, when especial qualifications are necessary, and when the evidence concerning the competence of the applicant does not seem to be sufficient. The guilds may also make recommendations upon their own initiative to the chambers of commerce and industry.

The guilds have the right to impose and collect entrance fees or incorporation dues from their members, and apprenticeship fees to

be paid by the apprentices after the completion of their terms of service. The amount of these dues is fixed by the political authorities after obtaining a decision of the general assembly of the guild. These authorities must, within 3 months after this law goes into effect, officially revise the constitutions of the guilds with reference to the amount of the above-mentioned dues, and whenever they consider them too high reduce them in the manner provided.

Of the annual receipts from incorporation fees not more than three-fourths may be used for the current expenses of the guild, the remaining one-fourth being placed at interest. Of the receipts from apprenticeship fees not more than one-half may be used for general expenses. The other half must be used for the purpose of educating or otherwise benefiting the apprentices. If a further sum in addition to that derived as mentioned above or from interest on invested funds is needed by the guilds for the prosecution of their work, it must be raised as provided for by their constitutions. The guild dues, as well as fines imposed by them, are collected through the administrative authorities.

If a guild includes among its associate members a large number of workingmen engaged in subordinate work in the industry, separate institutions, such as arbitration committees, workingmen's assemblies, and sick funds may be created for their special benefit.

Guilds of one or of several communes or districts, and of either the same or of different industries, may form a union for the better guarding of their interests. Whenever such a union embraces all the guilds of a political district, its managing committee will be considered as a labor council (*gewerblicher Beirat*) for the purpose of assisting the authorities, and its powers and duties are determined by a ministerial decree.

Each guild must prepare its own constitution, which must be in harmony with the present law and be submitted to the political authorities of the district for approval. This constitution must contain provisions regarding (1) the name, location, objects, and jurisdiction of the guild and its legal standing (*Evidenzhaltung*); (2) the rights and duties of the members; (3) the guild assemblies and the matters intrusted to them; (4) the sphere of activity of the executive board and the president; (5) the composition of the executive board and the business to be considered and transacted by it; (6) the requirements necessary for the validity of acts passed by the guild assembly and the executive board; (7) the manner of fixing and collecting dues; (8) the amount of the incorporation dues that will be required of new members; (9) the manner of administering the guild property; (10) the creation of the arbitration committee for the settlement of disputes between guild members, and (11) the imposition of fines.

To this constitution there must be attached as an integral part of it the constitution of the arbitration committee, the constitution of the workingmen's assembly, and the constitution of the sick fund.

The affairs of a guild are managed by a guild assembly, an executive board, presided over by the president, and the organs provided for the management of the arbitration committee and the sick fund.

The guild assembly consists of all members who are eligible as voters or for election, and all members, including women, are so eligible, unless they fall in one of the following categories viz: (1) Persons conducting a trade as long as they are excluded from the right of suffrage

or eligibility for election in respect to communal elections on account of a conviction by a criminal court; (2) persons carrying on a trade, over whose estate a receiver has been appointed, during the continuance of the receivership; (3) persons carrying on a trade whose right to practice the trade has been withdrawn by the authorities, as long as such cancellation of the right is in force, and (4) persons carrying on a trade over whom a guardian has been appointed on account of their insanity or extravagance. These provisions regarding eligibility are equally applicable, according to circumstances, to the workingmen's assemblies, the organization of which is hereafter described. The workingmen, however, must be at least 18 years of age in order to be eligible as voters or for election.

In addition to the members duly qualified, as described in the preceding paragraph, each guild assembly must admit to its meetings from two to six delegates from the workingmen's assembly. These delegates have the right to be heard, in order to present their desires and complaints, but can not vote.

The members will be summoned to the first general assembly by the industrial authorities. Subsequent meetings are called by the president of the guild by notices sent to each member, stating the matters that will be considered. The guild assembly must meet at least once a year, and whenever the president or executive board considers it necessary or one-fourth of the members request it. Notice of all meetings must show the time and place of the meetings, and the commissioner or officer appointed by the industrial authorities to supervise guilds must be duly notified.

The first meeting of the assembly is presided over by the representative of the industrial authorities until the election of a president, after which the latter, or in his absence, the vice-president, will preside. The constitution must specify the number of members required to constitute a quorum for the transaction of business. If at any meeting such a quorum is not present a second meeting must be called, at which business may be transacted without regard to the number of members present. Resolutions are decided by a majority vote.

The powers and duties of the guild assembly are (1) to discuss, protect, and, as far as they accord with the purposes of the guild, advance the interests of the members of the guild; (2) to elect the executive board, the representative of the members on the arbitration committee, and the employer members of the executive committee, committee of supervision, and general assembly of the guild sick fund; (3) to verify and approve the reports concerning the financial operations of the guild, the annual budget, and the means employed for accumulating funds; (4) to organize the paid employees of the guild; (5) to take action regarding the creation or alteration of educational institutions, and the reorganization of an existing sick fund, in order to bring it in conformity with the present law; (6) to take action regarding the length of apprenticeship terms and the nature of apprenticeship examinations; (7) to create or change guild institutions for educational, labor, or business purposes; (8) to adopt or amend the guild constitution, and to consider other important matters as specified in the constitution, and (9) to determine the use to be made of the guild fund. This fund, as well as the income that may be derived from it, must not be used for general guild purposes.

The executive board consists of the president, vice-president, and a guild committee, who, as a rule, hold office for 3 years, and are reeligible. The president and vice-president are elected by a majority vote of the guild assembly. If a majority vote of the members present is not obtained on the first ballot for 1 person, the 2 persons receiving the most votes can only be voted for on the second ballot. In case of a tie vote the matter is decided by lot. The industrial authorities must be informed of the persons elected. These authorities can annul the election if the persons selected were not eligible to the office or the election was illegal. When this is done a new election must be immediately ordered. The president (or in his absence the vice-president) represents the guild in all business with outside parties, signs papers, and generally exercises a supervision over the affairs of the guild.

The guild committee consists of a certain number of members and alternates, as provided by the constitution. They are elected by the guild assembly in such a way that in guilds comprising a number of trades the different trades are suitably represented. The constitution must provide to what extent the workingmen or associates shall be represented on the committee.

The executive board has general power in relation to all matters which are not expressly reserved to the general assembly, to the arbitration committee, or the other bodies that may be created by the guild.

The associates must organize a workingmen's assembly, which must be composed of all eligible associates belonging to the guild. The conditions of eligibility have already been given. Those associates, however, who have been out of employment for 6 weeks can not take part in the assembly, and they lose the right to exercise any functions that may have been intrusted to them. The powers, rights, and duties of this workingmen's assembly must be determined by a special constitution, which must be approved by the political authorities.

This body must elect a governing council, to consist of a chairman and from 2 to 6 members selected from among their number, for a term of 3 years. The industrial authorities must be informed of the person selected as chairman, and he can be rejected by them if his election was illegal or if he was ineligible to that office. When his election is thus annulled a new election must be immediately ordered.

The executive board of the guild has the right to appoint from 2 to 6 members as representatives of the members to these assemblies. They have a deliberate voice in the proceedings, but can not vote. The industrial authorities must be informed of all meetings, and have the right to send a commissioner to see that the proceedings are lawfully conducted.

The only powers possessed by these assemblies are those expressly conferred upon them by law or the constitutions of their guilds. Their essential functions are: (1) To discuss and protect the interests of the workingmen who are associates of the guilds, so far as these interests do not conflict with the objects of the guild; (2) to select representatives to serve on the arbitration committee, and on the executive committee, the supervisory committee, and to the general assembly of the sick fund, and (3) the selection of delegates to the general assembly of the guild, as above described, and their own managing councils.

Reference has frequently been made to the fact that the creation of institutions of various kinds for the benefit of the members and associates and the advancement of the general interests of the trade constitute the most important duty of the guilds. The establishment of such institutions as loan funds, warehouses for raw materials, salesrooms, members' aid and sick funds, as well as the official participation of the guilds in such work, can only be undertaken upon the favorable vote of three-fourths of the members present at the guild assembly at which the matter is discussed. Notice must also have been given in convoking the assembly that the matter would be discussed, and the action of the assembly must receive the approval of the industrial authorities. An assembly, moreover, can not take such action unless it is established by a count that there are present 50 per cent of the members in the case of guilds embracing not more than 100 members; 40 per cent, but not less than 50 members, in the case of guilds having over 100 but less than 500 members; 30 per cent, but not less than 200 members, in the case of guilds having over 500 but less than 1,000 members, and 20 per cent, but not less than 300 members, in the case of those having over 1,000 members.

In case a sufficient number of members is not obtained at the first meeting another meeting must be called for the consideration of the matter. The notice of the meeting must draw attention to the above requirements. At this meeting definite action may be taken regardless of the number of members present.

A guild may, in accordance with the above provisions and with the approval of the industrial authorities, create a special members' (masters') aid or sick fund, and, if created, may make membership in it obligatory upon all members. It may also provide that members who discontinue their business may still remain members of the fund, and may also provide for the exemption of particular members from the obligations of membership upon grounds specifically set forth by the guild in its officially approved constitution. No member, however, can be compelled against his wish to take part in any business enterprises undertaken by the guild unless they are created for the public good.

Each guild must create a committee for the arbitration or settlement of disputes relating to labor conditions between members of the guild and their employees. The composition of this committee, the number of members, and the method of selecting its chairman and vice-chairman must be provided for by a special constitution, which must receive the approval of the political authorities of the district. This constitution must provide (1) that the arbitration committee shall consist of an equal number of members and associates, and this number must be sufficient to enable the committee properly to perform its duties. Only members and associates who are at least 24 years of age are eligible to serve on this committee; (2) that the chairman and vice-chairman shall be elected by the committee from among their number. They must be elected by a majority vote of all the members of the committee and may be either members or associates. In case a majority vote can not be obtained, then both officers must be alternately selected from the member and associate classes. In this case the chairman and vice-chairman representing the member class must be elected by the associate members of the committee, and the chairman and vice-chairman representing the associate class by the member members of the committee.

An arbitration committee is only competent to act when both parties solicit its intervention in writing, or if one party makes such request and the other party, after being duly notified, voluntarily appears before the committee and consents to submit the case to it.

The committee can act either by way of conciliation or by trying the case and rendering a decision in much the same way as would a court. In order that a settlement by conciliation may be valid there must be present, besides the chairman or vice-chairman, two judges, one of whom must be a member and the other an associate of the guild. The agreement reached must be entered in the records of the committee, be signed by the parties, and if desired written copies be furnished to the parties.

If the matter goes to trial there must be present not less than 4 judges, 2 of whom must be guild members and 2 guild associates, in addition to the chairman or vice-chairman. The facts regarding the dispute must be clearly presented, and all available testimony be heard. The constitution of the committee must provide for the manner in which the proceedings shall be conducted. It must specify whether and to what extent the associate members will receive a per diem from the guild.

The decisions of the committee may be executed in an administrative way (*Verwaltungswege*). Either party may appeal from the decision to an ordinary civil court within the 8 days following the announcement of the decision. If this is done, the committee must be notified by the person taking such action.

All guilds must maintain employment registers for the purpose of facilitating the securing of workingmen for the members or employment by the associates. Such guilds as possess their own journeymen's or associates' lodges must keep these registers at those places.

Each guild must create and maintain a sick fund, or join an existing one, for the insurance of its associates against sickness. This fund must have its own constitution, which must conform to the legal requirements concerning guild sick funds, and be approved by the political authorities of the district. It must contain provisions regarding (1) the name, purpose, location, and jurisdiction of the fund; (2) the amount of the dues to be paid by the guild members and associates and the manner of their payment; (3) the conditions concerning the manner of payment and the amount of benefits to be paid; (4) the organization of an executive board, the extent of its powers, and the representation of the members upon it; (5) the creation of a supervisory commission as an adjunct to the board, and the manner of managing the fund's affairs; (6) the composition, method of convoking, manner of conducting the business, and the qualification of members of a general assembly; (7) the representation of the fund with respect to outside affairs and the forms to be used in performing legal acts; (8) the forms for the publications of the fund, and (9) the manner and conditions that must be observed for amending the constitution.

It is compulsory upon all guild members and associates, except apprentices, to contribute to the sick fund. The contributions required of members must not exceed one-half of that required of the associates, and the latter's contributions must not exceed 3 per cent of their wages.

The sick benefits to be paid to members of the fund (associates) must

be, in the case of men, at least one-half, and in the case of women one-third, of the usual daily wages. In cases of long-continued illness these benefits must be paid, at least, for 13 weeks.

If the associates fail to pay the dues required of them, their employers must pay them, in which case they can deduct them from the former's wages. The employers must report to the sick fund the names of all persons employed by them who should belong to the fund. If they fail to do so they are responsible for the payment of all dues that should have been paid by such employees from the time of their employment.

The fund may pay for the care of an associate in a hospital for a period of 4 weeks, the cost thus entailed being deducted from the sick benefit to which the patient was entitled.

The accounts and management of the sick fund must be absolutely independent of the other aid funds of the guild. In no case shall the funds be used for any other purpose than the payment of the sick benefits. Guilds and guild members who have fulfilled all their statutory obligations regarding the payment of dues to the sick fund can not be held liable for any further payment in case the fund can not meet its obligations.

The governing bodies of a guild consist of the general assembly, the executive board, and the supervising commission. The sphere of activity of each of these bodies must be accurately defined by the constitution. All general powers, such as the adoption and amendments of the constitution, the approval of the annual reports, etc., are reserved to the general assembly. All three of these governing bodies are so organized that the guild members represent one-third of the members, or can cast one-third of the votes, and the associates represent the remaining two-thirds, or can cast two-thirds of the votes. The general assembly may consist of all the guild members and associates, or may be composed of delegates, the latter composition being obligatory when the fund embraces more than 300 members.

The industrial authorities have the right to examine the books and accounts of a sick fund at any time, and it is their duty to see that the provisions of the law are complied with.

The executive board of the guild has the power to punish members or associates who violate any of the guild regulations by reprimands or the imposition of fines not exceeding 10 gulden ($4.06). The cases in which such punishment may be inflicted must be specified in the constitution.

The guilds must make an annual report to the industrial authorities showing the action taken by their general assemblies, the election of the executive board, and a properly prepared statement of all receipts and expenditures. The guilds are under the general supervision of the authorities, who have the power to decide regarding complaints against the acts of the guild assemblies or executive boards after both parties are heard. They must appoint a special commissioner to have general charge or control over the guilds. (Bulletin Department of Labor, Vol. V, pp. 556–569.)

NEW ZEALAND.

New Zealand has followed very closely English legislation in relation to the right of workingmen to form organizations and the regulation of trade unions. The present law is contained in the act of August

31, 1878, entitled "An act for the regulation and management of trade unions in New Zealand." This act stands to-day as first passed with the exception that an act passed October 12, 1896, made 14 years the minimum age at which persons could be members of a registered trade union instead of 16 years as provided in the original act.

A trade union is defined to mean "any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if this act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade."

The sections of the English act legalizing trade unions, notwithstanding that they may be in restraint of trade, have been adopted textually. It is thus provided that "the purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise," and "the purposes of any trade union shall not by reason merely that they are in restraint of trade be unlawful so as to render void or voidable any agreement or truth."

In like manner the British policy of requiring these organizations to settle their own disputes without recourse to the courts has been followed. The courts are expressly prohibited from entertaining any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements:

(1) Any agreement between members of a trade union as such concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ, or be employed; (2) any agreement for the payment by any person of any subscription or penalty to a trade union; (3) any agreement for the application of the funds of a trade union, (a) to provide benefits to members; or (b) to furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union; or (c) to discharge any fine imposed upon any person by sentence of a court of justice; or (4) any agreement made between one trade and another; or (5) any bond to secure the performance of the above-mentioned agreements: But nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

As regards the regulation of trade unions, the most essential provision is that whereby trade unions are encouraged to become registered. Such registration is not compulsory, but unions which elect to do so are given many privileges, such as the right to hold property in the name of trustees, to hold their officers to account, etc. The obligations of registry relate principally to the making of annual reports to the Government, the filing of copies of their rules, etc. As these provisions are practically identical with those contained in the British acts already given they are not reproduced here.

In connection with this law legalizing the formation of permanent associations of workingmen, even though they are in restraint of trade, should be read the provisions of the conspiracy law amendment act, 1894, passed August 21, 1894. This law is almost the reproduction of the British conspiracy and protection of property act, 1875. It repeals the old conspiracy acts of 5 Eliz., c. 4; 12 Geo. I, c. 34, and 6 Geo.

IV, c. 129, which were in force in the Colony, and provides, as does the English act, that:

An agreement or combination by 2 or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be deemed to be unlawful so as to render such persons liable to criminal prosecution for conspiracy if such act committed by one person would not be unlawful. Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any crime against the State or the Sovereign. "A crime" for the purposes of this section means an offense punishable on indictment, or an offense which is punishable on summary conviction, and for the commission of which the offender is liable to be imprisoned, either absolutely, or, at the discretion of the court, as an alternative for some other punishment.

Then follows the special provision that no person employed by a local authority or contractor in connection with the furnishing of a supply of gas, electric light, or water shall enter into an agreement to leave the service without giving at least 14 days' notice, under a penalty of a fine of not more than £10 ($48.67) or imprisonment for not more than 1 month. (Bulletin Department of Labor, Vol. VI, pp. 176-177.)

QUEENSLAND.

By the trade-unions act of 1886, Queensland also adopted all the essential provisions of British legislation regarding the right of workingmen to form associations, registration of trade unions, etc., including the fundamental provision of English law that the purposes of any trade union are not unlawful by reason of being in restraint of trade.

ART. B. STRIKES, BOYCOTTS, ETC.

SEC. 1. LEGISLATION AS TO STRIKES.

The old English legislation upon strikes became part of the common law of the United States, which was substantially repealed by decisions in the early part of the last century, with the general result of making trades unions and strikes both legal; but under ordinary circumstances, except as above mentioned, there appears to be no legislation upon strikes in any other country than Great Britain, France, Italy, and the British colonies. As has been remarked elsewhere, such matters are left more largely to the political that is, the military and police—jurisdiction in the continental countries, and rarely becomes a subject of treatment in the civil courts.

GREAT BRITAIN.

(38 and 39 Vict., c. 86.) The conspiracy and protection of property acts provides that "an agreement or combination by 2 or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

"Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition, or any offense against the State or Sovereign.

"A crime for the purposes of this section means an offense punishable on indictment or an offense which is punishable on summary conviction, and for the commission of which the offender is liable, under

the statute making the offense punishable, to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

"Where a person is convicted of any such agreement or combination as aforesaid, to do or procure to be done an act which is punishable only on summary conviction and is sentenced to imprisonment, the imprisonment shall not exceed 3 months or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

"Where any person willfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a court of summary jurisdiction or indictment, as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 [$97.33] or to be imprisoned for a term not exceeding 3 months, with or without hard labor."

The first clause of the New York statute (see U. S. Labor Bulletin, Vol. V, p. 130), so far as the stars, is copied from this English statute, "The conspiracy and protection of property act," 1875, which adds, after the words "is doing," the words "either alone or in combination with others."

FRANCE.

Before 1849 the penal code punished strikes and lockouts on the part of the employees, but did not punish the employers unless unjust or abusive; but the law of November 27, 1849, removed this discrimination, and declared that the formation of a coalition, whether by workingmen or employers, was a crime subjecting every person participating in it to imprisonment for from 6 days to 3 months and to a fine of from 16 to 10,000 francs, and the leaders to imprisonment for from 2 to 5 years.

Protests against this law led finally to the enactment of the law of May 25, 1864, which repealed the laws against coalitions and in their place substituted provisions granting the right to employers and employees to form combinations for the purpose of improving their conditions, but making it an offense punishable by fine and imprisonment to use threats or violence in carrying out their purpose. Action, indeed, was restricted to such an extent as almost to render nugatory the permission to form coalitions that had been granted.

By the law of May 25, 1864, whoever by threats, violence, or fraudulent maneuvers has brought about or maintained or has attempted to bring about or maintain a concerted cessation of labor, with the object of compelling an increase or diminution of wages or an infringement of the free exercise of industry or labor, shall be punished by an imprisonment of from 6 days to 3 years, or a fine of from 16 to 3,000 francs, or both. If the offense above described is committed in consequence of a concerted plan, the guilty parties can be placed by order or judgment (*arrêt ou jugement*) under the surveillance of the police during not less than 2 nor more than 5 years.

Workingmen, as has been shown, have the full right to form associations having in view the betterment of their condition. This right includes that of forming temporary coalitions for the purpose of

enforcing their demands; in other words, of engaging in strikes. While a workingman can not be punished for the mere act of engaging in a strike, abuses of this privilege are punishable. For the purpose of making the law in relation to this point more definite a special act was passed May 30, 1892. A translation of this law, which is very brief, follows:

Any person who, for the purpose of compelling the raising or lowering of wages or of making an attack upon the free exercise of industrial work or labor, commits acts of violence, offers injuries or threats, imposes fines, prohibitions, interdictions, or proscriptions of any kind, either against those who work or those who furnish others with employment, shall be punished by imprisonment of from one month to two years and a fine of from 50 to 1,000 francs ($9.65 to $193), or one of these penalties only.

The same penalty shall be imposed upon those who make an attack upon the liberty of employers (*maîtres*) or workingmen, either by congregating near establishments in which work is being carried on or near the dwelling places of those who direct the work, or by perpetrating acts of intimidation toward workingmen who are going to or returning from work, or by causing explosions near establishments in which work is being carried on or in localities inhabited by workingmen, or by destroying the fences (*clôtures*) of establishments in which work is being carried on or houses or lands occupied by workingmen, or by destroying or rendering unfit for the use for which they are intended tools, instruments, apparatus, or engines of labor or industry.

RUSSIA.

The responsibility of employers and employees in the case of attempts to force a change in the conditions of the labor contract is defined in articles 1358, 1359, and 1359½ of the penal code. Directors of factories who, contrary to the provisions of the law, reduce the wages of their employees before the expiration of the term agreed upon, or without giving due notice, are liable to a fine of from 100 to 300 rubles ($51.50 to $154.50), without prejudice to the right of the employees to claim damages by a civil suit. If the offense is committed a third time, or if in the case of the first or second offense this action results in an agitation on the part of the workingmen followed by troubles or violence necessitating special measures for their repression, the director can be imprisoned for as long as 3 months and deprived of his right to direct a factory for 2 years.

If, on the part of the workingmen, a concerted movement is made for the purpose of suspending work before the termination of the contract of service for the purpose of compelling the employer to raise wages, the instigators of the movement may be imprisoned for from 3 weeks to 3 months, and the others taking part for from 7 days to 3 weeks.

If a strike actually breaks out, having for its purpose to compel the employer to raise wages or change other conditions of the contract before its expiration, the leaders can be imprisoned for from 4 to 8 months and the others for from 2 to 4 months. Those, however, who resume work at the first request of the police will be exempt from punishment. Strikers who destroy or injure any property of the factory or belonging to persons connected with the factory will be condemned to imprisonment of from 8 to 16 months in the case of the leaders, and from 4 to 8 months in the case of the others. These are considered as minimum penalties, which will be increased each time there occurs a more grave offense. Strikers who force other workingmen, by violence or threats, to leave their work or not to return

to it, will be punished by imprisonment of from 8 to 16 months in the case of the leaders, and 4 to 8 months in the case of the others, provided that the violence does not represent a more serious offense.

ITALY.

The penal code of 1859 declared that a strike was a punishable offense. It at the same time established a great inequality between employers and employees, by providing that in the case of the former the act of combining is only punishable if undertaken for the purpose of reducing wages or of unjustly and oppressively imposing conditions of employment upon their employees. In the case of the employees the mere act of combining for the purpose of making a demand constituted a punishable offense. This inequality was corrected by the new criminal code, which went into force January 1, 1890. Instead of making the strike itself offensive the law now punishes only the use of force or threats in connection with such action.

NEW SOUTH WALES.

The act of 1881 adopts various provisions concerning trade unions, strikes, etc., substantially like the English law.

SEC. 2. TRADES UNIONS EXCEPTED, ETC. (See sec. 3.)

SEC. 3. BOYCOTTS. (See sec. 1 above, Strikes.)

There is no specific legislation as to boycotts, except the English statute therein referred to, which in substance repeals the common law of conspiracy as to disputes in industrial trades. (See also Chap. IX, Art. A, sec. 1, above.)

SEC. 4. PICKETING.

The English statute takes notice of this subject and the courts have interpreted it to allow peaceable picketing for purposes of information by not more than two persons at a time. The English conspiracy, etc., act (see also Chapter I, Article F, sec. 1, above) provides that "attending at or near the house or other place where the person resides or works or carries on business or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed as watching or besetting within the meaning of this section." It could be wished that some similar statute might be adopted in this country, as the American courts are in a complete state of confusion upon this subject, some supposing that all picketing is unlawful, some taking the opposite view and permitting it even to the point of intimidation or ridicule, while a few take substantially the English ground, which permits moderate picketing for purposes of information only. The crucial point is whether this line shall be overstepped to the extent of persuasion, i. e., whether pickets may only be placed for the purposes of observing the operations of the employer, or whether these pickets may accost or endeavor to persuade individuals possibly in search of employment. The Massachusetts supreme court takes the view that this is lawful, but most of the other State courts hold not.

SEC. 5. INJUNCTIONS AGAINST STRIKES, BOYCOTTS, AND OTHER LABOR COMBINATIONS.

This matter is of English origin. No statute exists regulating injunctions in Great Britain nor any of its colonies. The law, therefore, of Great Britain and her colonies is identical with our own. The whole doctrine is necessarily peculiar to English chancery courts, and the American law is founded on English chancery decisions.

SEC. 6. RIOTS.

I find no special statute regulating rioting in England or continental countries other than those contained in the ordinary criminal laws.

Chapter X.

UNIONS OR COMBINATIONS OF EMPLOYERS, TRUSTS, ETC.

Sec. 1. Blacklisting.

Germany.—In Germany an employer is prohibited, under heavy penalties, from placing any marks or signs on the certificate which he is required to give his employee upon cessation of employment conveying any information not expressed in the certificate.

Austria.—In Austria, if desired by the employee on leaving service, the employer must furnish him with a certificate setting forth the nature and duration of his employment and the conduct and degree of technical skill that he has displayed. The contents of this certificate may, if the employee so desires, be entered in the pass book and attested by the local police authorities, and refusal to make such a certificate or the willful making of a certificate which is untrue is a penal offense.

Sec. 2. Pinkerton Men.

The employment of private guards or watchmen or other armed bodies of men, at least since the middle ages, seems to be peculiar to some of the United States. As nothing upon the subject appears in the legislation of other countries, it is to be presumed that in them the ordinary civil authorities, supplemented by the military, give adequate protection.

Sec. 3. Trusts.

This matter having been fully covered by Professor Jenks in his able reports to the Industrial Commission, it would be impertinent to refer to the subject here. The matter is only mentioned for the sake of uniformity with the first volume of this report, contained in volume 5 of the Industrial Commission reports.

CHAPTER XI.

ARBITRATION AND CONCILIATION.

ART. A.—BOARDS OF ARBITRATION, ETC.

SEC. 1. CREATED BY THE STATE.

GREAT BRITAIN.

The first English act concerning arbitration was passed in 1603, but the first act referring specially to the arbitration of labor disputes is the first of Anne, chapter 22, passed in 1701, which legislated in Lord St. Leonard's act, 30 and 31 Vict., c. 105, passed in 1867, which attempted to establish councils of conciliation something after the pattern of the French councils of prudhommes. But in 1896 all these acts were repealed and the conciliation act (59 and 60 Vict., c. 30) substituted.

AN ACT to make better provision for the prevention and settlement of trade disputes. (7th August, 1896.)

Any board established either before or after the passing of this act which is constituted for the purpose of settling disputes between employers and workmen by conciliation or arbitration, or any association or body authorized by an agreement in writing made between employers and workmen to deal with such disputes (in this act referred to as a conciliation board), may apply to the board of trade for registration under this act.

The application must be accompanied by copies of the constitution, by-laws, and regulations of the conciliation board, with such other information as the board of trade may reasonably require.

The board of trade shall keep a register of conciliation boards, and enter therein, with respect to each registered board, its name and principal office, and such other particulars as the board of trade may think expedient, and any registered conciliation board shall be entitled to have its name removed from the register on sending to the board of trade a written application to that effect.

Every registered conciliation board shall furnish such returns, reports of its proceedings, and other documents as the board of trade may reasonably require.

The board of trade may, on being satisfied that a registered conciliation board has ceased to exist or to act, remove its name from the register.

Subject to any agreement to the contrary, proceedings for conciliation before a registered conciliation board shall be conducted in accordance with the regulations of the board in that behalf.

Where a difference exists or is apprehended between an employer, or any class of employers, and workmen, or between different classes of workmen, the board of trade may, if they think fit, exercise all or any of the following powers, namely:

1. Inquire into the causes or circumstances of the difference.

2. Take such steps as to the board may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon, or nominated by the board of trade or by some other person or body, with a view to the amicable settlement of the difference.

3. On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliators.

4. On the application of both parties to the difference appoint an arbitrator.

If any person is so appointed to act as conciliator he shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavor to bring about a settlement of the difference, and shall report his proceedings to the board of trade.

If a settlement of the difference is effected, either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the board of trade.

The arbitration act, 1889 (a), shall not apply to the settlement by arbitration of any difference or dispute to which this act applies; but any such arbitration proceedings shall be conducted in accordance with such of the provisions of the said act, or such of the regulations of any conciliation board, or under such other rules or regulations as may be mutually agreed upon by the parties to the difference or dispute.

If it appears to the board of trade that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, they may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with the employers and employed, and, if the board of trade think fit, with any local authority or body, as to the expediency of establishing a conciliation board for the district or trade.

The board of trade shall from time to time present to Parliament a report of their proceedings under this act.

The expenses incurred by the board of trade in the execution of this act shall be defrayed out of moneys provided by Parliament.

FRANCE.

ARBITRATION TRIBUNALS—COUNCILS OF PRUDHOMMES.

In France the distinction between individual and collective labor disputes is clearly made. It has been only within recent years that any important legislation for the settlement of disputes of the second class, or strikes, has been attempted. For the adjustment of individual disputes, however, France has long had, in her *conseils de prudhommes*, a special system of labor courts that constitutes one of her most distinctive social institutions.

These councils have been defined as "special tribunals composed of employers and workingmen, created for the purpose of adjusting, by conciliation if possible, or judicially if conciliation fails, disputes between employers and workingmen, or between employers or superintendents and apprentices. They have also, in addition to their judicial functions, certain attributes of an administrative character, notably in respect to the registering of factory designs. In respect to their jurisdiction they are hierarchically below the tribunals of commerce, to which an appeal from their decisions, involving over a certain sum, can be made."[1]

The first council of prudhommes was created by the law of March 18, 1806, for the city of Lyons, at the solicitation of the silk merchants of that city, who desired an institution to take the place of their common tribunal, which they had had before the abolition of the guild system. Although this law related to but a single city, it was so framed that similar councils might be organized by decree in other cities. This privilege was quickly availed of by other important industrial centers.

[1] Traité élémentaire de législation industrielle, par Paul Pic, p. 508.

The general conditions to be followed in the creation of the councils were set forth in a decree issued June 11, 1809. Various other decrees introducing greater or less changes followed. The first general law on the subject was that passed June 1, 1853, which in turn has been modified by subsequent legislation. The laws now in force regarding councils of prudhommes are the whole or parts of the acts of March 18, 1806, August 7, 1850, June 1, 1853, June 4, 1864, February 7, 1880, February 23, 1881, November 24, 1883, and December 10, 1884.

Councils of prudhommes are created for particular localities and industries by decrees of the central government, upon the recommendation of the chambers of commerce, the consultative chambers of arts and manufactures, and the municipal councils of the districts for which the councils are proposed. The decrees determine in each case the geographical boundary of the jurisdiction of the council, which may be a city, one or more communes or cantons, or an entire arrondissement; the number of the members of the council, which must not be less than 6, exclusive of the president and vice-president; and also the particular industries for which the council is created.

The members of the council are elected by the following two electoral classes: (1) Employers 25 years of age and having had a patent or permission to carry on their trade for at least 5 years, the last 3 of which have been in the district, or those associated under a collective name, whether having a patent or not, and having exercised for 5 years a trade subject to a patent, and domiciled in the district during the last 3 years; and (2) superintendents, foremen, and workingmen who have exercised their trades for at least 5 years and who have resided in the district of the council for the last 3 years.

Only electors 30 years of age or over, and who can read and write, are eligible for election as members of the councils.

Foreigners and persons who have been deprived by law of the right of suffrage are ineligible either as electors or members of the council.

The formalities of elections are as follows: In each commune of the district covered by a council, the mayor, assisted by two assessors selected by him, one from among the employer electors and one from the workingman electors, compiles a list of electors, which he sends to the prefect. From these lists the prefect prepares and publishes a list of the electors. In case of dissatisfaction, recourse may be had to the council of the prefecture or to the civil tribunals, according to the provisions of the law in relation to municipal elections. Upon the appointed day the employer electors and the superintendent, foreman, and workingman electors meet in separate assemblies and elect their representatives to the council.

An equal number of members is elected by each class. The president and vice-president are elected by the council itself from among its members in full assembly. When the president is a representative of the employers, the vice-president must be a representative of the employees, and vice versa. In case, however, either class collectively abstain from voting at an election for the councils, or cast their votes for a person notoriously ineligible, or the persons elected refuse to serve or systematically abstain from attending meetings, a new election must be held within the following fortnight. If the same obstacles are again met with, the persons duly elected, if they are equal to one-half the total number of members of the council, can

organize and act, no matter whether all of them represent one class or not. In this case both the president and vice-president can be either employers or employees, as the case may be.

The term of service of members is 6 years, one-half the members retiring every 3 years. Members are eligible for reelection. The prefect convokes the electors whenever occasion arises for electing new members. The president and vice-president hold office for one year, but can be reelected. Each council elects a secretary by a majority vote, who is generally a permanent officer, as he can remain indefinitely in office unless dismissed by a two-thirds vote.

Members of the council in general serve without pay, though the law of 1880 permits the communes to fix and pay a remuneration to them if they wish to do so. In case a person elected as a member of a council refuses to perform his duties, he can be considered as having resigned, and in case of grave dereliction he can be called before the council to give an explanation, and if this is not satisfactory he can be either censured, suspended, or dismissed.

In order that the councils may exercise their dual functions as committees of conciliation and labor courts each one is divided into two sections, called, respectively, the general bureau and the special bureau. The special bureau consists of 2 members—an employer and an employee. It must hold meetings at least once a week, at which the 2 members preside alternately. The function of this bureau is to terminate, by way of conciliation, the minor disputes which daily arise between employers and employees. In case it is unsuccessful, it turns over the matter to the general bureau, or bureau of judgment, as it is sometimes called.

Members of the council can in certain cases, upon the request of the parties, visit employers, superintendents, or workingmen in order to inform themselves by personal examination whether laws and regulations are properly complied with. In such cases they must be accompanied by a public officer.

The general bureau, which sits as a court, is composed of the president and vice-president of the council, and an equal number, not less than 2, of employer and workingman members. It must meet at least twice a month, at which not less than two-thirds of the members must be present.

The procedure followed before both the special and general bureaus is as simple and inexpensive as possible. The parties can present themselves voluntarily, or the defendant can be summoned by a simple letter, or, if necessary, by a formal citation. Representation by counsel is prohibited. Decisions are given by a majority vote of the members present.

Turning now to the powers of the councils, it will be remembered that they have both judicial and administrative functions. Both are strictly limited. As a court the council of prudhommes is simply a body for adjusting differences between employers and employees, and can not take action in any other matters. Disputes between employers or between employees do not fall within its jurisdiction. The subject in dispute must arise in one of the industries for which the council is created, and must relate to matters arising out of the labor contract or apprenticeship. The most important class of questions coming before these bodies are therefore those relating to wages, hours of labor, penalties for defective work, and the observance of the conditions set forth in apprenticeship agreements.

When the amount involved in a dispute does not exceed 200 francs ($38.60) the judgment of the council is final. If the amount is over that sum, an appeal can be made to the tribunal of commerce. Even though an appeal is taken, however, the council can order the execution of its judgment up to 200 francs ($38.60), and more than that sum if a proper indemnity bond is given.

The councils also have to some extent criminal or punitive powers. They can thus examine acts of workingmen in the industries coming under their jurisdiction tending to disturb order or discipline and all grave faults of masters toward their apprentices, and impose penalties of imprisonment not to exceed 3 days. But little use is made of this power, as the justices of the peace have concurrent jurisdiction.

The administrative duties of the councils consist (1) in serving as the depositaries of designs for work of which employers wish to retain the exclusive use; (2) in keeping and forwarding to the central government a record of the number of existing trades and the number of employees in each establishment under their jurisdiction, and (3) in serving as a consultative body. In order to perform the second duty, they can enter factories after giving a 2 days' notice of their intention to do so. The councils are frequently summoned by the administrative authorities to give their advice on measures relating to labor that are under consideration.

The services of the councils are gratuitous, with the exception that certain small fees are required for the execution of the different official papers. These must, in general, be borne by the party found at fault.

A council can at any time be dissolved by decree.

In cities not included in the jurisdiction of any council, disputes between employers and their employees are settled by justices of the peace, subject to appeal to the civil courts in the more important cases.

ARBITRATION TRIBUNALS: COLLECTIVE DISPUTES.

Nothing in the general law of France prevents parties to a dispute from referring the matter to another party for settlement. The first and only law having for its purpose the encouragement of such reference and making provision for the means by which it can be done was passed December 27, 1892. This law being a brief and compact act, its provisions can well be shown by a translation of the law. The act reads:

Whenever disputes of a collective character arise between employers and employees regarding the conditions of employment, they may submit the questions at issue to a board of conciliation, or, in default of an agreement being arrived at by this board, to a council of arbitration, which shall be constituted in the following manner:

The employers or employees may, either together or separately, in person or by proxy, address a declaration in writing to the justice of the peace of the canton or of one of the cantons in which the dispute has arisen, setting forth: (1) The names, titles, and domiciles of the applicants or their proxies; (2) the matter in dispute, with a succinct account of the motives alleged by the parties; (3) the names, titles, and domiciles of the persons to be notified of the proposal of conciliation or arbitration; (4) the names, titles, and domiciles of the delegates chosen by the applicants from among the persons concerned to assist or to represent them, the number not to exceed 5.

Within 24 hours the justice of the peace must deliver a notice of the receipt of this declaration, specifying the date and hour of its deposit, to the opposing parties or their representatives, either by letter or, if necessary, by notices posted on the doors of the office of the justice of the peace of the canton or the mayor of the commune in which the dispute has arisen.

Upon receipt of this notification, or within 3 days thereafter, those concerned must send their response to the justice of the peace. After this delay their silence is regarded as a refusal.

If they accept, they must designate in their response the names, titles, and domiciles of the delegates chosen to assist or to represent them, the latter not to exceed 5 persons.

If the departure or absence of the persons notified of the proposal or if the necessity for consulting attorneys, partners, or an administrative council prevents a response within 3 days, the representatives of the said persons must within 3 days declare what delay is necessary in order to make a reply. This declaration must be transmitted to the applicants within 24 hours by the justice of the peace.

If the proposal is accepted the justice of the peace must urgently invite the parties or their delegates to organize a committee of conciliation. The meetings must take place in the presence of the justice of the peace who may be appointed by committee to preside over the discussions.

If an agreement is reached, as to the conditions of the conciliation, these conditions are set down in a report prepared by the justice of the peace and signed by the parties or their delegates.

If an agreement can not be reached the justice of the peace invites the parties to appoint either one or more arbitrators each, or to select a common arbitrator.

If the arbitrators do not agree as to the solution of the dispute, they may choose a new arbitrator to act as umpire.

If the arbitrators can neither decide upon the solution of the dispute nor agree as to the umpire, they shall declare the fact in the report of proceedings, and the umpire will then be named by the president of the civil tribunal after examining the report of proceedings, which must immediately be sent to the latter by the justice of the peace.

The decision of the point at issue, when reached, is sent to the justice of the peace, revised and signed by the arbitrators.

When a strike occurs in default of initiative on the part of those interested, the justice of the peace, by the means already indicated, must invite the employers and employees, or their representatives, to make known to him within 3 days: (1) The matter in dispute, with a succinct account of the motives alleged; (2) the acceptance or refusal of recourse to conciliation and arbitration; (3) if accepted, the names, titles, and domiciles of the delegates chosen by the parties, the persons chosen not to exceed 5 in number for each side.

The delay of 3 days may be increased for reasons stated in the case of private initiative, and if the proposal is accepted the matter proceeds in the same manner as already indicated.

The reports and decisions above mentioned must be preserved in the minutes at the office of the justice of the peace, who must send a copy free of charge to each of the parties and address one copy to the minister of commerce and industry through the prefect.

The request for conciliation and arbitration, the refusal or failure to respond on the part of the other party, the decision of the committee of conciliation or of the arbitrators, which are transmitted by the justice of the peace to the mayor of each commune over which the dispute extends, must be made public by each of these mayors, who must post the notices in the place reserved for official publications.

The posting of these decisions may also be done by the parties interested, and the notices in this case are exempt from stamp duty.

The premises needed for the meetings of the committees of conciliation or councils of arbitration must be provided, heated, and lighted by the communes in which the meetings take place.

The expenses resulting therefrom must be included in the obligatory expenditures of the commune.

The expenses of the boards of conciliation and arbitration must be fixed by an order of the prefect of the department and must be carried on the departmental budget as obligatory expenditures.

All acts executed in carrying out the provisions of the present law are exempt from stamp duty and are registered gratis.

The arbitrators and delegates named under the present act must be citizens of France.

In trades or industries where women are employed they may be chosen as delegates on condition that they are of French nationality.

This law also applies to the colonies of Guadeloupe, Martinique, and Réunion.

(U. S. Labor Bulletin, vol. 4, pp. 851–856.)

BELGIUM.

COUNCILS OF PRUDHOMMES.

The councils of prudhommes, in Belgium, originated in the French law of March 18, 1806, which, while primarily enacted for the purpose of creating such a council at Lyons, also provided that similar bodies might be constituted by decree elsewhere. In pursuance of this law, councils were first created in Bruges in 1809 and in Ghent in 1810. From this beginning, the system gradually spread over the Kingdom.

The law regarding these councils has been changed a number of times, notably by acts passed April 9, 1842, and February 7, 1859. The organization and work of the councils were thoroughly investigated by the labor commission of 1886. As the result of its recommendation, a new organic law was passed July 31, 1889, which repeals all former legislation and places the councils upon a somewhat new basis. This law, as slightly modified by an act passed November 20, 1896, constitutes the law now in force. The law of 1896 provided that the King might modify, by decree, the provisions of the organic law of 1889 concerning the procedure to be followed at elections. In accordance with this provision the King, by a royal decree dated January 8, 1897, replaced these provisions by others contained in his decree. This decree should therefore be considered in conjunction with the laws of 1889 and 1896 in stating the legislation now existing in reference to councils of prudhommes. Following is a summary of their legal provisions:

Councils of prudhommes are created for the purpose of settling, by means of conciliation, if possible, and when this can not be done, by means of a judicial decision, disputes that may arise between heads of industrial establishments and their employees, or between the employees themselves, within the limits and according to the methods provided by the present law. They shall also have certain other functions as specially conferred upon them by law.

By heads of industrial establishments (*chefs d'industrie*) are understood manufacturers, owners, general directors, and administrators of industrial establishments or of industrial arts; contractors who employ their workingmen in an industrial work; operators, engineers, directors, or subdirectors of mining work, quarries, and establishments for the manufacture of iron and steel and other metals, and proprietors and persons equipping maritime fishing vessels.

By employees are meant journeymen, foremen, workingmen employed in the shops or on the account of employers, and the owners and fishermen constituting the crews of maritime fishing vessels.

A council of prudhommes can only be created by law, which fixes the boundaries of its jurisdiction. The law may establish in the same district several councils relating specially to certain trades or industries, or certain groups of trades and industries, when such trades or industries are of sufficient importance to warrant the creation of special councils for their benefit.

A council may be divided into a number of special chambers. The number of members and the composition of each council and its chambers will be determined by royal decrees. Before action is taken the communal councils of the district and the permanent deputation of the provincial council must be given an opportunity to express their opinions.

Councils of prudhommes must consist of at least 6 members, exclusive of their president and vice-president, if they are selected from outside the councils. The chambers of a council must be composed of not less than 4 members.

Members of the councils and the special chambers must be elected half by the heads of industrial establishments and half by the employees, as above defined. Not less than 4 alternates (*suppléants*) must be chosen for each council.

A special electoral body must be constituted for each council, composed of electors belonging to the industries over which the council has jurisdiction. To be an elector one must be either a head of an industrial establishment or employee as above defined, a citizen of Belgium, at least 25 years of age, a resident in the district of the council during at least the preceding year, and must have followed his trade or industry there

during at least the preceding 4 years. Persons, however, who are not residents of the district, but fulfill the other conditions, may, upon their request, be placed upon the list of electors.

The following persons are prohibited from being electors: Those who have been deprived of the right of suffrage in consequence of a criminal conviction; those who have been declared bankrupt, or who have made over their property to another party, as long as their creditors are not fully paid; those who are notoriously known as keepers of houses of prostitution or debauchery; and those who have been condemned to punishment for crime or convicted of theft, swindling, abuse of confidence, or attempt against morals. The prohibition in the last case continues for 50 years from the date upon which the person was convicted of a criminal offense, or 10 years in case the offense was a petty one (*peine correctionnelle*).

The list of electors remains in force until the next regular revision, which must be made every 3 years by the board of alderman (*collège des bourgmestre et échevins*). These lists must be prepared by groups of industries and in alphabetical order. They must show for each person his name, the place and date of his birth, the date at which he was naturalized or became a Belgian, if necessary, and the trade or industry that he follows. Copies of the lists, as first prepared, must be posted by the authorities and sent to the commissioner of the arrondissement on the 15th of February. Any complaints in respect to them must be addressed to the board of aldermen prior to March 1. This body, after considering these complaints, will prepare a revised list. Where names are added or struck from the lists, the reasons for such action must be given and the names posted from March 4 to March 12. Where names which were on the old or the provisional lists are removed, the persons affected must be informed of such action, with the reasons for it, within the 48 hours following.

Copies of these lists, together with all complaints received and all papers by means of which the persons registered have justified their rights or on account of which their names were stricken off, must be sent by the communal authorities to the commissioner of the arrondissement within 24 hours after the lists are closed, and this officer must acknowledge their receipt and enter the fact in a special register. A copy of the list must also be retained at the office of the secretary of the commune and another one be sent to the governor.

The lists will be printed or otherwise mechanically reproduced whenever 100 copies are applied for. Where this is done every person making application prior to February 1 must be furnished with a copy. The price to be paid for them will be fixed by the communal authorities but must not exceed 1 franc ($0.19) per copy where the list does not comprise more than 1,000 electors or 1 franc ($0.19) additional for every 1,000 names beyond this number.

All persons have the right to inspect or copy the lists and other documents at the office of either the secretary of the commune or the commissioner of the arrondissement.

An appeal from the action of the communal authorities in respect to the making up of the list of electors may in all cases be made by any interested party to the court of appeals of the district. This action must be taken not later than March 31. Lists of all appeals must be prepared by the commissioner of the arrondissement and copies of them be posted in his office and sent to the communal authorities to be posted by them. Any person enjoying full civil and political rights may within the 10 days following such posting intervene in a dispute by means of a request to the court of appeals sent through the commissioner of the arrondissement. This latter officer may himself intervene by virtue of his office. The complainants and those whose registry is demanded must file their written arguments not later than April 30, and the defendants in the case of demands for the removal of their names from the lists must file their answers and arguments not later than May 31. The papers in the case must be open to the inspection of the parties at any time during office hours.

By July 5 all the papers relating to the electoral lists, as well as the lists themselves, must be sent to the court of appeals by the commissioner of the arrondissement. An appeal may be taken from the court of appeals to the supreme court, in which case the registrar of the latter body must inform the registrar of the lower court of the action taken upon such appeal. Not later than October 15 the registrar of the court of appeals must send to the governor a statement of the result of all appeals. This officer will then promulgate by decree the final list of electors in accordance with the decisions rendered by the courts. These lists must enter into operation before March 1 following the revision.

Any elector 30 years of age is eligible as a member of a council. Heads of industrial establishments who have retired from business and former employees, provided they fulfill the other conditions of electors, may also be called to take part in the

councils; in no case, however, shall such persons constitute more than one-fourth of the membership of a council. This proportion applies separately to the employer and the employee representatives. A person following the trade of innkeeper (*aubergiste*) or liquor dealer, or whose wife keeps such an establishment, is, however, ineligible, as well as persons who have been convicted of criminal offenses or sentenced to imprisonment for more than 6 months. Two persons exercising authority in the direction of the same industrial establishment or two employees in the same shop must not be elected members of the same council, nor two persons related to each other as closely as the second degree.

In general, elections take place by communes, but when there are less than 30 electors to a commune a number of contiguous communes can be grouped in a single voting district by royal decree.

Notice of all elections, indicating the number and occupation of prudhommes to be elected, must be given to the electors by means of circulars posted and sent to each elector. Where a second ballot is necessary at least 13 days must elapse between the two counts.

The employer and the employee electors meet in separate assemblies and select their delegates.

When the number of electors in a voting district exceeds 400, the governor must divide them into sections, so that not more than 400 nor less than 30 electors are in any one section. This division into sections must be by industries and in alphabetical order of the names of the electors. The first section will be called the principal section, and to a certain extent will have charge of elections in all the districts.

Each electoral section must be presided over by a member of the communal council of the place at which the election takes place, as designated by the board of aldermen. These presidents must appoint tellers and secretaries, and all must make oath to perform their duties faithfully.

Candidates must be nominated at least 15 days before the date fixed for the election by a paper filed with the president of the principal section. To be valid, nominations must be signed by at least 25 electors in districts having over 1,000 electors, and by at least 10 districts having a smaller number. They must indicate the names, addresses, and occupations of the persons proposed and the electors making the nominations, be dated, and state the special duties desired by the candidates.

Candidates must accept their nomination either verbally by presenting themselves to the president of the principal section, accompanied by 2 witnesses, or in writing to that officer.

At the expiration of the time fixed for the making of nominations the principal sections of the employer and employee electors, respectively, must prepare and post in all the communes of the district lists of the candidates that can be legally voted for. If there is but one list of candidates proposed, the principal section will declare the persons there named to be duly elected.

Where there are more than one list a ballot will be taken by list (*scrutin de liste*). No person will be declared elected unless he receives a majority of the votes cast. If all the members of the council are not elected on the first ballot, a list will be made of the candidates in each of the classes who have obtained the largest number of votes, including, when possible, twice as many names as there are vacancies to be filled. Upon the second ballot for persons contained in this list, those receiving a plurality will be declared elected. In the case of a tie vote the older candidates will be preferred.

Upon the conclusion of an election all the records, lists, and ballots must be sent to the governor, and a copy must be filed at the office of the commune where the council has its headquarters, so that it may be freely inspected. Protests against the certification of the election of any member may be made to the court of appeals within the 10 days following the report, and a further appeal may be taken to the supreme court. When an election is partially or totally annulled the proceedings which were declared invalid must be recommenced.

One-half of the membership of the councils of prudhommes and their alternates must be renewed every 3 years, an equal number of employers and employees going out each time. Members are reeligible.

Whenever through death or resignation the number of members of either category is reduced by more than one-half, special elections must be held to fill the vacancies, each person so elected serving only during the unexpired term of his predecessor.

Any member who absents himself from the meetings during two consecutive months without the permission of the council or without a legitimate reason, or who ceases to possess the necessary qualifications during his term of office, will be removed from the council by the court of appeals of the district. Such removal may be made either at the instance of the council or at the instance of any party appearing before

the council. When the removal is requested by a vote of the council notice must be sent to the member in question, who, if he sees fit, may contest the matter. The court of appeals must render its decision within 8 days, and inform the president of the council and the governor of the province of its action. An appeal may be taken by either party to the supreme court.

The president and vice-president of each council are appointed by the King by royal decree, the selections being made from lists prepared by the employer and employee members, respectively. One name must be taken from each list. The president and vice-president need not be members of the council. They serve for 3 years and are reeligible.

When special committees are formed within a council they shall elect their own presidents and vice-presidents from among their number.

In all cases of a tie vote the president shall decide.

Each council must be provided with a registrar (*greffier*) appointed by a royal decree from a double list of candidates prepared by the council.

The method of electing and organizing the councils having been briefly described, attention will now be turned to their functions and the manner in which they must be performed. The most important duty of the council is to act as a labor court for the adjustment of minor disputes between employers and their employees, and in certain cases between the employees themselves.

The extent of the powers of the councils is thus set forth by the law:

The councils of prudhommes have jurisdiction concerning disputes either among employees, or between employers and their employees of either sex, relating to work done, labor, or wages in the branches of industry for which the councils are created. Their territorial jurisdiction is fixed by the locality of the factory, and in the case of houseworkers by the place where the contract is made.

Parties to a dispute may also at any time by common accord refer the matter to a council of prudhommes for conciliation, even though the matter does not fall within the jurisdiction of the council. In these cases the parties must make a formal request in writing for the intervention of the council. This provision also applies to disputes between heads of industrial establishments.

The competence of councils regarding matters within the scope of their powers extends to all disputes, no matter what the amount in dispute. Where the claim does not exceed 200 francs ($38.60) in value their decision is final. Where a larger sum is involved an appeal may be taken to the tribunal of commerce, except in the case of mines, where the civil courts have jurisdiction. No appeal from interlocutory orders is permitted except in connection with an appeal from the final judgment of the council.

Where a claim is opposed by a counterclaim, and each one is susceptible of being decided finally by the council, no appeal can be taken. When one of the claims, however, can be appealed, both can be appealed.

The effort must always be made to settle disputes brought to the attention of the councils by means of conciliation. For this purpose each council must create within its body a board of conciliation to consist of 2 members, 1 an employer and the other an employee. Alternates must be selected to act in the absence of the regular members. The board will also be assisted by the registrar. The term of office of members is 3 months, but members are reeligible.

All disputes must first be brought before this board. If the latter fails in its efforts to conciliate the parties the matter is then turned over to the full council. The board must hold at least one meeting each week. Extra meetings may be called by the president of the council, and the latter may, if he deems it advisable, send the parties before 2 members other than those who compose the board of conciliation.

When a dispute is brought before the council another attempt at conciliation must be made before further action is taken.

The parties to a case, either before the board of conciliation or the council, are summoned by the registrar at least one day before the session, by means of a letter indicating the place, day, and hour when they are to appear. If they fail to appear they are summoned by a constable (*huissier*).

When parties are prevented from attending personally, the council may authorize them to be represented by one of their clerks, superintendents, foremen, or by a workingman.

The summons must indicate the place, hour, day, month, and year of the appearance, and the names, occupations, and actual residences of the parties, and must give a brief statement of the object or motive of the complaint.

The summons may be made in person or be delivered at the residence of the defendant, and if no one is found there, it must be left with the mayor or one of the aldermen. At least one day must elapse between the delivery of the summons and

the day of the appearance of the party, if he lives within a radius of 3 myriameters (18.6 miles). If he lives farther, one additional day is allowed for each 3 myriameters (18.6 miles). In urgent cases the president may order the immediate appearance of the parties.

The president directs all meetings. The parties must express themselves with moderation, and the same order and respect must be maintained as in a court of justice. Any infractions in this respect may be punished by a fine not exceeding 10 francs ($1.93). In case of grave insult or disrespect the council may sentence the guilty party to imprisonment for not more than 3 days. Persons in the audience who cheer or create any disturbance must be expelled by the president, and if they resist they may be imprisoned during 24 hours. If the disturbance is accompanied by acts of violence, the guilty parties must be arrested by order of the president and turned over to the proper authorities.

In cases of urgency the council or the board of conciliation may order that such steps as are necessary be taken to prevent the removal or destruction of the object of the claim. Either the council or the board of conciliation may send one or more members to verify allegations on the spot, and if necessary hear testimony there. In this case the registrar must accompany the members and take the minutes of the inquiry.

If the parties disagree as to the facts the council of prudhommes may summon witnesses to establish them. The witnesses must be sworn, and state their names, ages, places of residence, and relations to the parties to the cause.

The witnesses must be heard separately in the presence of the parties if they appear. The latter must make any objections they may have to the witnesses before their testimony is taken.

Witnesses must not be interrupted while they are testifying, but at the close of their testimony they may be cross-questioned by the parties through the president.

In cases which may be appealed, the registrar must take down the testimony in writing, and the written testimony must then be read to the witness and be signed by him, the president, and the registrar. Judgment must then be rendered either immediately, or, at the latest, at the next session.

In cases where final judgment may be rendered the testimony is not put in writing, but the name, age, residence, etc., of witnesses and the results of their testimony must be announced in the sentence.

Members of the council may be excluded from service if they have a personal interest in the case; if they are related to the parties; if there have been criminal proceedings between them and any of the parties or their relations; if a civil case is pending between them and either of the parties; if they have given any written advice in the case, or if they are either employers or employees of either of the parties to the case.

Persons desiring to exclude members of the council from service must hand to the registrar a formal declaration setting forth their reasons. The member objected to must within the next 2 days attach to this declaration his written answer acquiescing in or contesting his disqualification. When the member contests his exclusion, or fails to answer, the matter must be referred to the state's attorney for the district, who must render his decision within 8 days.

If on the day appointed in the summons one of the parties does not appear, judgment must be rendered by default, but the party against whom judgment was rendered may, upon giving formal notice of his objection within 8 days, have an opportunity to show cause why the judgment should not stand. If judgment by default is taken upon a second hearing, no further action can be taken by the person against whom the judgment is rendered.

The provisional execution of judgment may be ordered with or without security up to 200 francs ($38.60). Over 200 francs ($38.60), judgment can not be executed unless security is given.

All sentences must be entered upon the record, and must be signed by the registrar and by the president. This entry must contain the names of the members, the names, occupations, and residences of the parties, as well as a summary of the complaint, the defense, the judgment, and the reasons therefor.

The party losing a case must be formally notified of the judgment pronounced by the council, and the judgment may be executed within 24 hours.

Appeals may be taken on questions of jurisdiction, or on matters over which, as above described, the councils decide only as courts of first resort. If the council declares itself competent, the appeal can not be taken until after final judgment has been rendered.

Costs are assessed against the defeated party.

The councils must hold at least two regular meetings each month, and special meetings may be called by the president whenever the circumstances are such as to render

this action desirable. No session shall take place unless there is an equal number, not less than 2, of employer and employee members present. When the president and vice-president are selected from outside the membership of the council they are not taken into account in this connection. Either the president or vice-president must be present at all meetings.

Whenever the number of employer and employee members is not the same, the council must designate a sufficient number of the more numerous class to retire in order that an equality may be established. In case of any disagreement the youngest members are excluded.

If at the time designated for a meeting to consider any matter a sufficient number of members are not present, the meeting must be adjourned to another day. The registrar of the council must then summon the members to a new meeting by means of a notice in writing sent to their address at least 3 days before the meeting. In this notice attention must be called to the impossibility of holding a meeting owing to the lack of sufficient members, and to the provisions of the law in reference to delinquents in such cases.

If the same condition of affairs exist at the second meeting, the council must prepare a report showing this fact and send it to the state's attorney (*procureur général*). The absent members will then be summoned before the court of appeals to explain their failure to attend the meetings. When a sufficient reason for their neglect is not given, they may be condemned to pay a fine of from 26 to 200 francs ($5.02 to $38.60), or to imprisonment from 3 to 8 days, or both. Members thus punished will be considered as removed from the council.

After the council has failed the second time to secure the attendance of members for the hearing of any dispute, either of the parties may then take the matter before a justice of the peace, from whose action an appeal may be taken to the commercial or civil courts, according to the nature of the case, and where the matter in dispute exceeds 200 francs ($38.60) in value.

The councils of prudhommes, in addition to their function of adjusting civil disputes in relation to labor as above described, have certain functions in the nature of police powers. Without interfering with the power of the ordinary tribunals to prosecute such offenses, the councils may, by way of discipline, suppress acts of bad faith, grave neglect, or other acts tending to disturb the order and discipline of workshops. For this purpose fines not to exceed 25 francs ($4.83) may be imposed. An appeal from this sentence may be taken to the lower civil court of the arrondissement. To take advantage of this right a formal declaration of appeal must be made within 8 days from the imposition of the fine.

Finally, these bodies may be called upon by the King to serve in an administrative capacity as advisory boards to give their opinions concerning any questions relating to labor or industry that may be placed before them.

The members of the council are allowed a per diem while in attendance upon council meetings, the amount of which will be determined in each province by the permanent deputation of the provincial council, according to the average value of a day's labor. Travel pay is allowed the members if they live more than 5 kilometers (3.1 miles) from the seat of the council, the rate being determined by royal decree.

The registrar receives an annual salary from the State as fixed by the decree instituting the council. He must pay all expenses for paper, records, and writing material, and miscellaneous minor office expenses. A royal decree determines the rights and emoluments of the registrar, the salaries and allowances of constables (huissiers), as well as fees allowed experts who testify at hearings. No charges can be made by registrars or constables other than those prescribed, under penalty of criminal prosecution.

The expenses of the councils are paid by the communes within the jurisdiction of each council in proportion to the number of working people employed in each commune, the apportionment being made by the permanent deputation of the provincial council. The rooms necessary for holding the meetings of the councils, as well as the places of confinement of persons under arrest, must be furnished by the communes where the councils have their sessions.

COUNCILS OF INDUSTRY AND LABOR.

The Belgian councils of industry and labor are unique institutions, and as such deserve careful attention. To a certain extent they serve the same purpose as the guild organizations of Germany and Austria in respect to the handicraft trades. As M. Morisseaux, the director of the Belgian labor bureau, expresses it, "Each council of industry and labor is in reality a small industrial parliament which occupies itself with the common interests of employers and employees, according to a programme

traced in advance by the governmental authority. They are consultation bodies which sometimes act as conciliation committees."

The origin of these councils is found in propositions for the purpose of putting into execution the recommendations of the labor commission for the organization of a system of tribunals for the arbitration or conciliation of industrial disputes. The measure proposed by the labor commission had in view simply the adjustment of labor difficulties. During its course through Parliament, however, the scope of this bill was very materially widened, so that in the law enacted the proposed councils of labor, instead of being intrusted simply with the settlement of labor disputes, were given other important duties concerning labor matters. They were, in fact, made bodies, consisting of duly elected representatives of both employers and employees, for fixing within certain limits the conditions of labor.

The law creating these councils was passed August 16, 1887. Following is a summary statement of its provisions:

There shall be created in every locality in which its utility is demonstrated a council of industry and labor. This council shall have as its mission the consideration of the mutual interests of heads of industrial establishments and employees, in order to prevent and, if required, adjust disputes that may arise between these two classes. A council may divide itself into as many sections as there are distinct classes of industries in its district, care being taken to unite in each those persons most competent to judge concerning matters pertaining to the industry to which it relates.

Councils shall be created by royal decree, either upon the direct initiative of the King or upon the request of the communal council or of the employers and employees who are interested. The decree shall in each case fix the boundaries, the industries to which the council relates, and the number and nature of the sections. Each section shall be composed of an equal number of employers and employees as these classes are defined by the organic law of the councils of prudhommes. These definitions are as follows: By heads of industrial establishments (chefs d'industrie) are understood manufacturers, owners, general directors, and administrators of industrial establishments or of industrial arts; contractors who employ their workingmen in an industrial work; operators, engineers, directors, or subdirectors of mining work, quarries, and establishments for the manufacture of iron and steel and other metals, and proprietors and persons equipping maritime fishing vessels. By employees are meant journeymen, foremen, workingmen employed in the shops or on the account of employers, and the owners and fishermen constituting the crews of maritime fishing vessels.

The number of members in each section shall be fixed by the decree creating the council, but must not be less than 6 nor more than 12.

The manner in which the members of the councils are selected is only determined in a general way by the law. The details were first fixed by a royal decree issued August 15, 1889, which was replaced by a royal decree dated March 10, 1893, the latter being subsequently modified in minor particulars by decrees dated March 26, 1897, and April 11, 1897.

As regards the election of the workingmen representatives, the law simply provides that the workingmen shall choose from among their number delegates and alternates to represent them in the sections according to the manner and conditions fixed by the law concerning councils of prudhommes. The order of 1893 gives these conditions and methods in great detail. In order to be an elector the person must be a workingman, as above defined, a citizen of Belgium, at least 25 years of age, and must have been actively employed during at least the preceding 4 years in the district of the council in one of the industries or trades to which that body relates.

A separate electoral body shall be constituted for each of the sections of a council, which shall be composed of electors belonging to the industry or trade to which the section relates.

The communal authorities must prepare alphabetical lists of electors for each electoral body separately. These lists must show for each person his name, the place and date of his birth, the date at which he was naturalized or became a Belgian, if necessary, and the trade or industry that he follows. Electors appear upon these lists according to their place of work, without regard to where they may reside.

Copies of these lists must be posted by the authorities and also sent to the permanent deputations of the provincial councils. All disputes regarding these lists must be addressed to the permanent deputation within 10 days from the date of their posting, and this body shall decide the matter. The revised list must be prepared within 42 days from the posting of the original list. These definite lists shall be deposited at the office of the secretary of the commune in which the council has its headquarters, and copies of them shall be sent to the secretaries of the other communes. The lists thus prepared shall remain in force until the next regular triennial revision.

To be eligible as a member of a council, the workingman must be an elector and not less than 30 years of age. The following persons are, however, ineligible both as electors and members: Those who have been deprived of the right of suffrage in consequence of a criminal conviction; those who have been declared bankrupt, or who have made over their property to another party as long as their creditors are not fully paid; those who are notoriously known as keepers of houses of prostitution or debauchery, and those who have been condemned to a criminal punishment or convicted of theft, swindling, abuse of confidence, or attempt against morals.

The communal authorities must give at least 10 days' notice of the holding of an election to the electors in their district in conformity with the instructions of the permanent deputation of the provincial council. This notice shall be given by means of notices posted and circulars sent to the electors.

An electoral college may, if necessary, be divided into as many sections as there are delegates to be elected. In such case the division shall be made according to the alphabetical list of electors. No section shall embrace more than 400 electors; not more than 5 sections shall meet in the same building, and each section shall have its own meeting place; one of the sections shall be designated as the chief section by the board of aldermen. Each of the sections shall be presided over by a member of the communal council of a commune included in the district as designated by the board of aldermen; or, if necessary, other persons may be designated for this service. The president of the principal section shall designate the tellers for all the sections, and the secretaries. The presidents, secretaries, and tellers must all make oath to perform their duties honestly and properly.

Candidates must be proposed at least 5 days prior to the election. Their nomination must be signed by not less than 10 electors in districts which embrace more than 200 electors, and by 4 electors in other districts. An alphabetical list of candidates shall be prepared. The latter must signify their acceptance of the nomination. A list of these shall be immediately posted. If only one list of candidates is proposed, these persons shall be declared to be duly elected; otherwise the principal section shall prepare and print the ballots, and the use of any other is prohibited.

Voting shall take place by list (*scrutin de liste*). No one shall be declared elected on the first ballot unless he receives two-thirds of the number of votes cast. If a sufficient number are not elected upon this ballot, a list shall be prepared of those candidates receiving the most votes. This list must, if possible, contain twice as many names as there are vacancies to be filled. Those persons receiving a plurality of the votes cast at the second ballot shall be declared elected. In case of a tie vote the eldest shall be preferred.

A report of all elections must be prepared and sent to the permanent deputation of the provincial council within the 3 days following the voting. A copy must also be deposited at the secretary's office of the commune in which the headquarters of the council is situated, so that any person interested can inspect it.

Any complaint concerning an election must be formulated within 8 days after the filling of this report and transmitted in writing to the provincial council or mayor of the commune in which the headquarters of the council is situated. These complaints shall be transmitted within 3 days to the permanent deputation of the provincial council. The latter body must render its decision within the following month. The governor may within the following 8 days appeal the matter to the King, who must render a final decision within the ensuing month.

If there are in the district of any council a larger number of employers than is required as employer representatives on the council, the employers must proceed to an election of representatives in the same manner as is provided for the selection of workingmen representatives. If the number of employers in the district is insufficient, employers in similar industries taken from the neighboring districts will be designated by the permanent deputations. Alternates must in all cases be named.

The membership of councils must be renewed every 3 years. The term of service of both employer and workingmen representatives is 3 years, but members are eligible for reelection. In case of the death or resignation of a member, or his departure from the district or abandonment of the industry which was followed by him at the time of his election, an alternate shall be required to serve in his stead. The selection of these alternates for this duty shall be according to the number of votes they received when they were elected. If a delegate fails on 3 occasions to answer to a summons he shall be considered as having resigned.

All sections must unite at least once a year on the day and at the place indicated by the order of the permanent deputation of the provincial council. The sections may also be convoked in extraordinary session by the permanent deputation upon the request of either the employers or employees.

Each section shall choose from among its members a president and a secretary.

When a president is not elected by a majority vote, or when elected is absent for any reason, the section shall be presided over by the eldest member present. Under similar circumstances the youngest member shall perform the duties of secretary.

The purpose of these councils, as has been indicated, is twofold, viz, serving as committees of conciliation and arbitration in labor disputes and furnishing a means by which both employers and employees may give their opinions concerning proposed measures affecting industry and labor. Their duties, as respects the adjustment of labor difficulties, are set forth in the following brief paragraph: "When the circumstances seem to require it, the governor of the province, the mayor of the commune, or the president shall, upon the request of the employers or employees, convoke the section relating to an industry in which a conflict seems imminent. This section shall use its efforts to terminate the difficulty. If an agreement can not be reached, a summary report of the proceedings must be published." No attempt, it will be observed, was made by the law to determine the methods to be pursued in attempting the settlement of disputes. The councils also have no power to enforce their decisions. The only coercion that they can exert is such as may result from the publicity given to their action. The main difference between these councils acting as conciliation committees and the councils of prudhommes is that the latter consider questions arising from a violation of contracts, and their action must be based upon such agreements, while the former deal with questions in which no contract is presumed, the object in view being rather to bring about the formation of new contracts on the best possible terms. Also the decisions of the councils of prudhommes are binding, whereas, as has been stated, the opinions of the councils of industry and labor may be accepted or not, as the parties elect.

Turning now to the advisory functions of these bodies, the law provides that "the King may call together the council of any district in full assembly in order that it may give its advice concerning questions or proposals of general interest relative to industry or labor which he considers it desirable to submit to it. The King may also assemble a number of sections belonging to the same or different localities. Such an assembly shall elect its own president and secretary. Where such officers are not elected by a majority vote, or when elected are absent for any reason, the positions shall be filled by the eldest and youngest member present, respectively."

The Government exercises an effective control over the proceedings of the councils. The royal decree convoking a full assembly and the orders of the governor or permanent deputations convoking a section determine the order of business and fix the duration of the session, and no subject foreign to the business of the day can be considered. The Government may also appoint a commissioner to assist at the full meetings, to make such communications as it desires, and to take part in the debates concerning the questions or measures proposed.

When the employer members and the workingmen members are not equal in number, the youngest members of the more numerous class shall have only a consultative voice in the proceedings. The meetings shall take place with closed doors, but the council or section can decide whether or not the report of its proceedings shall be made public.

It is the duty of the communes in which the meetings are held to furnish the necessary quarters. A daily indemnity, the amount of which shall be fixed by the permanent deputation and carried on the provincial budget, shall be paid to members during their attendance upon the meetings.

The foregoing law, the chief provisions of which have been given, provided that councils should be created upon the request of the communal councils, or of employers and employees, or upon the direct initiative of the King. It was hoped that the local authorities and persons interested would move in the matter. The Government, therefore, waited 2 years after the promulgation of the law for such action. These bodies failing to take the initiative, the central government, after inviting the communal councils to give their advice on the subject, created 17 councils in various industries during the month of December, 1889. Other councils have been created in subsequent years.

The function of these councils as boards of conciliation or arbitration has been exercised to a limited extent only. Their importance as consultative chambers regarding industrial and labor matters has, however, steadily increased. The councils have not only been frequently summoned to give their opinion concerning proposed legislation, but, as has elsewhere been noted, they are given important powers in respect to the execution of the law of December 22, 1889, concerning the employment of women and children; the law of July 2, 1899, concerning the protection of the health and lives of industrial employees, and the law of August 16, 1887, concerning the payment of wages of workingmen. The effect of these provisions is that the workingmen, through these councils, can exercise an important influence in

determining the conditions under which they shall labor and in the framing of new legislation.

To complete the organization of the councils of industry and labor, a higher council of labor (*conseil supérieur du travail*) was created by the King by a royal decree issued April 7, 1892. The object of this council, as stated by the minister of agriculture, industry, and public works in his report to the King, is "to give to the councils of industry and labor a center of action by creating a permanent body charged with the preparation of questions to be submitted to the various councils of industry and labor and to present to the Government general propositions summing up their conclusions." The local councils thus serve as bodies through which the employers and employees can express their opinions concerning matters relating to labor, while the other council formulates the questions to be submitted to them, takes account of their action, and drafts the bills to be submitted to the parliament, or recommends other lines of action.

This body has played an important part in the framing of recent acts of legislation. It is attached to the ministry of industry and labor, and is composed of 48 members, 16 of whom are employers, 16 are workingmen, and 16 are persons who have a special knowledge of economic and labor matters. The council draws up rules for its own management. It is governed by a president, three vice-presidents, and a secretary. It may form subsections for particular purposes. The president, senior vice-president, and secretary must be members of each such subsection. All questions are decided by a majority vote. No resolution can be passed unless half the members are present. Each member receives 6 francs ($1.16) for every meeting he attends. The report of the proceedings is published by the minister of industry and labor.

(U. S. Labor Bulletin, vol. 4, pp. 119–135.)

SWITZERLAND.

ARBITRATION TRIBUNALS.

The enactment of laws concerning the arbitration or conciliation of industrial disputes falls exclusively within the province of the cantons. In only four has special legislation been enacted for the creation of industrial arbitration tribunals. In two of these, Geneva and Neufchâtel, provision has been made for councils of prudhommes, after the French pattern.

Geneva.—This was the first Canton to take action in this direction. The creation of councils of prudhommes was provided for by a law passed October 3, 1883. This law referred only to disputes arising in industry and commerce, but its scope was extended in 1889 so that the councils now take cognizance of "disputes which arise between employers and employees, masters and workmen, masters and apprentices, employers and domestic servants, in all matters relating to the payment of wages, concerning the performance of work, and the apprenticeship contract." The composition and functions of these councils are as follows:

Each council consists of 30 members, 15 of whom must be employers and 15 workingmen. As far as possible they must represent the different branches of industry over which the council has jurisdiction. The employers and employees elect their representatives separately and by groups of industries. Only persons of Swiss nationality and in the possession of full political rights can vote or be elected to the council. Managers and directors of companies are regarded as employers. Members are elected for 2 years, but are reeligible. The method of voting is that by list (*scrutin de liste*). In general, the first Sunday in October is election day. When the membership of a council becomes reduced by a fifth part in consequence of deaths, resignations, or other causes, special elections must be held, provided ordinary elections will not be held within 6 months. A member becomes ineligible to perform the duties of his office if he ceases to follow his calling for 1 year, if he changes from employer to employee, or vice versa, and when he becomes insolvent.

There are 2 main classes of councils—those for manufacturing and commercial establishments, and those for agricultural affairs and private individuals. Each council elects by ballot a governing board, consisting of a president, vice-president, secretary, and vice-secretary. When the president or secretary is an employer the vice-president or vice-secretary must be an employee, or vice versa. The offices of president and secretary must be filled alternately by employers and employees.

For the transaction of business each council is divided into 4 bodies or sections: (1) Board of conciliation (*bureau de conciliation*), (2) tribunal proper (*tribunal de prudhommes*), (3) chamber of appeals (*chambre d'appel*), and (4) a committee for supervising apprentices and looking after the sanitary arrangement of workshops. In order to avoid friction and to maintain the independence of the members, it is provided that an employer and his employee shall in no case serve upon the same section.

The board of conciliation is composed of an employer and an employee, who preside in turn. Disputes are first brought before this body and the conciliation of the parties attempted. When this fails the board may act as a court of summary jurisdiction and pronounce final judgment in cases involving sums not exceeding 20 francs ($3.86). When conciliation fails, or the sum involved exceeds 20 francs ($3.86), the matter is brought before the second division of the council or tribunal proper. This body is composed of a president, 3 employers, and 3 employees. Witnesses may be heard on both sides and experts may be called in when necessary. Final decision is given in cases involving sums not exceeding 500 francs ($96.50). In disputes involving a larger sum the case may be carried to the chamber of appeals within the next 5 days. This body is composed of a president, a secretary, 5 employers, and 5 employees, none of whom shall be persons who have taken part in the prior proceedings.

Provision is also made for a mixed court (*cour mixte*), to consist of 2 judges of the court of justice, nominated by that body, and 3 members of the council of prudhommes, chosen from and by the chamber of appeals. Questions of jurisdiction or competence must always be first decided before a case is heard on its merits. Decisions on such points may be appealed from to the chamber of appeals, no matter what the value of the sum in dispute, or the parties may refer the matter to the mixed court, as above described.

The sittings of the tribunal of prudhommes and the chamber of appeals are public and take place in the evening in places provided by the council of state. Each member is allowed a remuneration of 3 francs ($0.58) and the president and secretary 5 francs ($0.97) for each meeting. A member regularly summoned who, without good reason, fails to attend may be fined as much as 20 francs ($3.86).

The special committee on apprentices and workshop hygiene, as its name implies, has general supervision over matters connected with apprenticeship contracts or the material conditions under which work is performed. It is composed of 4 employers and 4 employees.

The members of the council, as has been said, are, as far as possible, elected from different groups of industries. These groups are (1) watch making, (2) jewelry, (3) building trades, (4) wood working, (5) metal working, (6) clothing trade, (7) food and chemicals, (8) paper and printing, (9) transportation, and (10) banking and commerce. A special supervisory committee is chosen for each group. From these bodies a central committee, consisting of 2 members from each, is elected to serve for 2 years. This central committee acts as a general governing board. It may, at the request of the council, appoint special committees, composed of members of the group or of persons not belonging to the councils at all, for the study of questions pertaining to national industry or commerce, and may institute investigations concerning the conditions of work as regards their healthfulness. The councils may also be called together at the instance of the council of state, the grand council, or a majority of the presidents and vice-presidents of all the groups to deliberate upon questions of general interest relating to commerce and industry.

Neufchâtel.—The law providing for the creation of councils of prudhommes was passed November 20, 1885. Unlike the Geneva councils, which are created by the cantonal government upon its own initiative, these councils are only created by the council of state upon the request of the municipal authorities after the matter has been submitted to a vote of the people of the locality. One-half of the expenses resulting from the creation of the councils is borne by the State, the other half by the municipality. The councils decide all disputes arising between employers and employees and apprentices concerning the hiring of labor, the execution of work, and the apprenticeship contract, but they may not take cognizance of cases which do not relate to the relations of employer and employee, even though the disputes may arise between the parties mentioned.

Each council is composed of from 16 to 30 members, one-half of whom are elected by employers and the other half by employees, the different branches of commerce and industry of the locality being represented as far as possible. The members are elected for three years and are reeligible. Their duties are obligatory. Each council elects every 6 months, by secret ballot, a board consisting of a president, vice-president, secretary, and vice-secretary, all of whom must be members of the council.

The presidency must alternately devolve upon an employer and an employee. When the president is an employer the vice-president must be an employee, and vice versa. The same rule applies to the secretary and vice-secretary. A registrar is appointed by the council of state, his salary being mutually agreed upon by the council of state and the municipal council. He receives the requests for convocations, sends out the summonses and invitations, and notifies the members for the various sessions. Each council has a central office, which must be provided and furnished by the municipality.

The council of prudhommes consists of 2 bodies—a board of conciliation and a tribunal of prudhommes. The board of conciliation is composed of 2 members, an employer and an employee, who alternate in presiding over the meetings. All disputes must be submitted to the board within 2 days after the application has been filed with the registrar. The parties are summoned by letter. The sessions of the board of conciliation are not public. The conciliatory transactions are summed up in a report signed by the president and the parties to the dispute, and this act has the force of a judgment. Cases which can not be adjusted by the board of conciliation are sent before the tribunal of prudhommes.

The tribunal of prudhommes consists of a president and 4 members, 2 of whom must be employers and the other 2 employees. The sessions are presided over alternately by the president and vice-president of the council. If the parties do not appear voluntarily the defendant may be cited to appear by means of a summons issued by the president. If one of the parties wishes to deny the competence of the tribunal to try the case, either on account of want of jurisdiction or because the matter in dispute is not amenable to the action of the court, he must announce the fact the moment his case is called. When such a declaration is made the president suspends the case and causes the registrar to give written notice to the president of the tribunal of the district. The latter calls both parties before him and, after hearing them, decides finally upon the question of competence, and from this there is no appeal if the amount in dispute does not exceed 500 francs ($96.50). His decision is transmitted to the central registrar, and the president of the tribunal declared competent proceeds to a renewal of the summons. When the subject in litigation exceeds 500 francs ($96.50) the president of the tribunal transmits the case to the civil court of cassation, which gives its decision upon the written statement of the parties. If a party opposes the competence of the tribunal without a justifiable motive, he may be condemned by the judge to pay a fine not exceeding 100 francs ($19.30).

When there is occasion for an inquiry the parties are free to bring witnesses or to have them summoned by the central registrar. Failure to attend on the part of witnesses may be punished by a fine not exceeding 10 francs ($1.93). Witnesses are entitled to ordinary witness fees. If a case is subject to appeal to the Federal tribunal, a written summary of the testimony is made and read to the witnesses. Experts may also be called in to testify.

The judgments of the tribunal of prudhommes are pronounced during the session and are final in all cases coming before it except such as can be appealed to the Federal tribunal. The sessions of the tribunal of prudhommes are public. Each member is allowed a compensation of 1 franc ($0.19) per session. The secretaries of the groups each receive a supplementary fee of 2 francs ($0.39) per session. Without good cause, failure on the part of the prudhommes to attend regularly at the hearings is punished by a fine of 15 francs ($2.90), to be imposed by the tribunal of prudhommes. The proceedings before the tribunals of prudhommes are gratuitous, except that the parties have to pay for the postage, the witness fees, and some other small charges

In addition to the above-mentioned duties, each council of prudhommes chooses from among its members a committee whose special duty it is to watch over the execution of apprenticeship contracts and the professional instruction of apprentices. If the intervention of the committee does not produce the desired result, the matter is turned over to the council, which if necessary places it before the tribunal of prudhommes.

Whenever requested by the council of state, the councils must meet in general assembly for the discussion of questions concerning industry or national commerce. The council of state is given power to take whatever measures are necessary to secure the formation and regular operation of councils of prudhommes.

Bern.—Arbitration tribunals, somewhat in the nature of councils of prudhommes, were provided for in the cantonal law of February 1, 1894. They have jurisdiction in the settling of disputes arising out of labor or apprenticeship contracts between manufacturers and master tradesmen on the one hand, and journeymen, apprentices, and other employees on the other. Their decisions are final whenever the amount involved

does not exceed 400 francs ($77.20), and their jurisdiction excludes that of ordinary courts, although the law does not prevent contending parties from submitting their case to a referee. Employers and employees residing in communes where there are no councils of prudhommes may by mutual consent submit their dispute to some existing council to act as a referee. The councils of prudhommes are created by communes or groups of communes, with the approval of the administrative council. If a considerable number of persons petition for the creation of a council, and the communal government takes no action within 6 months or refuses the request, the administrative council may, if it is deemed advisable, direct a commune to create one.

For the purpose of creating a council of prudhommes, the various industries are classified in groups, not exceeding 8 in number. An equal number of employers and employees, not exceeding 20 in all, is elected from each group as members of the council. They are elected for 3 years and are reeligible. All employers and employees who reside within the jurisdiction of the arbitration court, and who have the right of suffrage as citizens of the Canton, are eligible as electors or as members in their respective groups. Separate voting lists for employers and employees are prepared by the communal council or by the delegates of several communes when they have a council of prudhommes in common. Each group has its own voting lists, which must be opened 8 days before the elections. Service as members of the council of prudhommes is compulsory under the same rules as govern municipal officers, except that a member who has served 3 years may decline reelection for the succeeding term.

After the election of the members of the various groups, they are called together in a general assembly, when they elect a president and vice-president, neither of whom can be an employer or employee, and a secretary and vice-secretary. The president presides at the general assemblies as well as at the sessions of the individual group tribunals. In large districts two or more presidents and vice-presidents may be elected. The central secretary receives the complaints filed, issues the summonses, keeps a record of the proceedings of the general assemblies and of the group sessions, and attends to other clerical work incident to the business of the council.

The tribunal for the trial of cases in each group consists of 2 members, excluding the presiding officer, if the amount involved in the dispute does not exceed 100 francs ($19.30), and of 4 members if that amount is exceeded, an equal number in each case being employers and employees. The members of the council are called upon in rotation for service on the tribunal, and a failure to attend or tardiness at the sessions, when called, may be punished by a fine of from 2 to 20 francs ($0.39 to $3.86), to be imposed by the president. The tribunals of the councils of prudhommes are under the supervision of the superior court (*Obergericht*) of the Canton, and must make an annual tabular report to the latter regarding its work.

The sessions of the tribunal, except when attempting conciliation, are public and are held in rooms furnished by the commune. Complaints may be filed, either verbally or in writing, and the defendant must be notified at least 1 day before the time set for trial. Parties to a dispute may also, by mutual consent, bring their case before the tribunal at one of the regular sessions without the previous issuance of a summons. The parties to a dispute must appear in person and state their case verbally unless excused on account of sickness or other necessary cause, in which case they may be represented by members of their families or by fellow-workers. The services of attorneys are not permitted.

If the plaintiff fails to appear at the time set for the trial, the case is dismissed upon the request of the defendant. If the defendant fails to appear, judgment is rendered in favor of the plaintiff at the latter's request. If neither party appears, the case lapses, unless a request is made to the central secretary for a new hearing. Whenever a case is dismissed or judgment rendered in default on account of the absence of one or the other of the parties, the absentee must be notified in writing within 3 days. Request for a reinstatement of the case to its former status may be made within 3 days after receiving notice, and if the costs of the former session are paid and a sufficient excuse is given for the nonappearance at the former session, the case may be retried.

When both parties appear, the tribunal must first attempt to effect a conciliation. If successful, the agreement reached must be put in writing and signed by the president of the court and by both parties, when it has the force of a judgment; if otherwise, the case must be immediately tried, and after hearing both parties the court must either render judgment or direct what further evidence is necessary in the case. Only in exceptional cases will the trial be postponed for such purposes. The proceedings are conducted according to the rules which apply in civil law courts. Witnesses and experts may be summoned if desired by the tribunal.

Objection to the jurisdiction of the council must be made before the case is tried. If the question of competence relates to the matter at issue, and not to the territorial

jurisdiction, an appeal from the decision of the council may be taken to the court of appeals. If the amount involved does not exceed 100 francs ($19.30), the council declaring itself competent may proceed with the case and render judgment, which, however, can not be executed until its competency is affirmed by the higher court. Members of the court may also be challenged on account of their relation as employer or employee to one of the parties, or for other reasons which would bar persons from sitting in judgment in other courts of law.

When the hearing of the case has been completed, a vote is taken to determine the findings, after which both parties are formally notified. Both the vote and the discussion are public. A record is made of the proceedings of each case, which must show the names of the members of the tribunal, the parties to the case, a brief summary of the matter in dispute, the findings, and the costs of the case. The judgment is signed by the president.

Proceedings may be had in the court of appeals to have the judgment set aside upon the ground that the complainant was not notified of the date of trial, and therefore was not present; that the court was not properly constituted; that the complainant was refused a proper hearing; that the defeated party was not capable of making a valid contract and had no legal guardian, and that the judgment was greater than asked for. If the court of appeals finds the complaint well founded, the case is remanded, but none of the members of the former tribunal can participate in the new trial. If within a year after judgment has been rendered by an arbitration tribunal new facts are discovered which are considered of sufficient importance, a case may be reopened and a new judgment rendered.

The communal government determines the amount of compensation to be paid the presidents, vice-presidents, and central secretary and vice-secretary, as well as the per diem of members of the councils of prudhommes. The witness and expert fees are fixed by the tribunal. A court fee of from 1 to 10 francs ($0.19 to $1.93) is charged, which must be paid by the defeated party. When this, together with the fines, etc., does not cover the court costs, the excess must be paid, in equal shares, by the commune and by the State.

Basel Town.—The creation of industrial arbitration courts was provided for by the law of April 29, 1889. This law also makes provision regarding the conciliation and trial of ordinary civil actions. That portion of the law relating to industrial disputes, which alone is of interest in this connection, provides that all civil disputes between proprietors of manufacturing and commercial establishments and journeymen, apprentices, of other persons employed by them, arising out of their relations as employers and employees, shall be tried before arbitration courts, unless both parties agree to have the case brought before an ordinary civil tribunal. The decision of the arbitration court is final, unless the amount involved in the dispute exceeds 300 francs ($57.90).

The arbitration court provided for by this law consists, when sitting, of a presiding judge selected from among the presidents of the civil courts and two associate judges, one of whom must be an employer and the other an employee.

For the purpose of creating these courts, the various industries are divided into industrial groups. The administrative council determines the number of such groups and the manner of grouping. Each group elects 6 employers and 6 employees to act as judges these judges holding office 3 years and being reeligible. For each case that comes before an arbitration court the presiding judge selects 2 associates from among the judges elected in the group to which the disputants belong, due regard being also had to the character of the dispute and the alternating of the persons elected as judges. The records of the proceedings of these courts are kept by the clerk of a civil court or his substitutes.

All persons who have the right of suffrage as citizens of the Canton and who are represented in the respective groups may vote for the judges. For this purpose separate voting lists are prepared for the employers and the employees in each group. Persons elected as judges must be eligible as voters and must be at least 24 years of age.

Before proceeding to the trial of a case an attempt must be made by the court to bring about a conciliation. If an agreement is thus reached it must be put in writing and signed by both parties, when it acquires the force of a judgment. If the attempted conciliation fails, the trial proceeds. In the trial of a case the same general rules apply as in ordinary civil courts. The parties are each summoned and heard and must appear in person, unless excused by the court on account of sickness or other adequate cause.

Appeals may be had from the decisions of arbitration courts as in the case of other civil actions. When objections or counterclaims arise which lie beyond the competence of the arbitration court, the latter must nevertheless render its decision on

the main question, but must defer the execution of the judgment until some competent court has acted upon the counterclaim. If the defendant does not bring suit in such other court within a brief time, to be fixed by the judge, the latter proceeds with the execution.

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GERMANY.

ARBITRATION TRIBUNALS.

In the consideration of the laws relating to guilds, it will be remembered that one of the important functions of those bodies was the constitution of arbitration committees. The jurisdiction of these committees, however, is limited to the adjustment of disputes in which guild members are concerned. They, therefore, scarcely affect any but the handicraft trades, and play little or no part in the settlement of the more important strikes and difficulties affecting the large industrial establishments.

Independently of these bodies, various other kinds of arbitration tribunals had gradually arisen in different parts of the Empire. Some of these had been organized by the local authorities in virtue of a permission to do so given to them by a provision of the labor code of 1869, and continued in the law of July 17, 1878. Others were organized similar, in a number of respects, to the French councils of prudhommes. None of these were very efficient institutions, and lack of uniformity in their character and methods of operation constituted a real disadvantage.

To remedy these evils a general arbitration law was enacted July 29, 1890. This law is not a radical measure. It does not provide for the obligatory creation of arbitration courts, but, instead, leaves the matter of their establishment to the initiative of the individual communes or provincial authorities. It, however, introduces the provision that if the communes do take action, the tribunal created must be of the character fixed by the law. The main purpose of the law is, therefore, to make more uniform the arbitration tribunals created by the communes, and to define more accurately their powers and modes of action. While this law is treated under the caption of arbitration tribunals, it really provides for a system of special courts for the decision of labor cases, much in the same manner as the ordinary civil courts. The principle of conciliation and arbitration, however, is given great prominence.

It is important to note that this law relates to the settlement of disputes only among a particular class of industrial workers, that covered by section 7 of the industrial code, or factory employees proper. In this class are included officials, superintendents, and technical experts whose annual earnings or wages do not exceed 2,000 marks ($476.) In no case, however, does the law apply to the handicraft trades. Following is a summary of the provisions of this law:

Tribunals for the decision of industrial disputes between employers and their employees, as well as between employees of the same establishment (*Gewerbegerichte*), may be created in virtue of this law by the communes, unions of communes, or, in certain cases, by the provincial authorities. The creation of an arbitration court by a commune must be by an act of the communal council, in accordance with section 142 of the industrial code. This section provides that such action shall be taken only after the employers and employees affected have had an opportunity to express their opinion, and that the constitution of the court must receive the approval of the higher administrative authorities and be published in the customary way of making

communal proclamations. The higher administrative authorities must make known their decision regarding the matter within 6 months. When their decision is adverse, the grounds for the disapproval must be given. Much the same provisions apply to the creation of arbitration courts by a union of communes.

When the employers and workingmen interested petition for the establishment of a tribunal, but the communal authorities fail to act, the provincial government (*Landes-Centralbehörde*) may provide for the creation of such a body.

An arbitration tribunal may be created for all or for only particular categories of industries of a district, and may be for a single commune, a part of a commune, or a union of communes. The law contains special provisions concerning the creation of arbitration courts for the industries of coal mining, salt manufacture, quarrying, etc., which will not be reproduced here. After a court is created, its jurisdiction may be extended by the provincial authorities, after the local authorities have first been heard.

When created, the jurisdiction of these tribunals as regards matters to be adjudicated extends to the following questions without regard to the value of the matter in dispute: (1) The making, continuance, or breaking of the labor contract, and the surrender of, or making of entries in, labor pass books or certificates; (2) claims on account of services rendered, or for indemnities arising out of such relations, and the payment of fines; (3) the calculation and charging of dues required of employees for the sick-insurance funds; and (4) claims of employees against one another when work was undertaken jointly under the same employer. The courts do not have jurisdiction regarding disputes in respect to fines agreed to be paid if, at the termination of the labor contract, the employee enters the service of another person, or enters into business for himself. The jurisdiction of the courts as regards the first three classes of disputes includes those between persons working for definite employers outside the establishments in industrial productions and their employers, in so far as their work relates to the manipulation of raw or partly manufactured articles furnished by the employer. The purpose of this provision is to bring home workers under the operation of the law. The same is true of disputes between home workers when working as described under the fourth class of disputes given above. Disputes among home workers who furnish their own raw or partly manufactured materials may come under the jurisdiction of the courts if their special statutes so provide. In all cases the jurisdiction of an arbitration court excludes that of the ordinary civil courts.

Each arbitration tribunal must consist of a president (*Vorsitzer*), at least 1 deputy (*Stellvertreter*), and not less than 4 associates (*Beisitzer*). Where a tribunal is organized in a number of sections, a presiding officer may be designated for each one.

The president and deputy are elected by the local authorities for terms of not less than 1 year. Neither can be an employer or an employee, and their election must be approved by the higher administrative authorities of the district in which the court is situated. This provision, however, does not apply to State or communal officials who hold office by virtue of a State appointment or confirmation so long as they are incumbents of such offices.

The associates must be elected in equal number by the employers and employees voting by secret and direct ballot in separate assemblies. The term of office must be for not less than 1 nor more than 6 years, and members are reeligible. Only those persons shall be electors who have completed their twenty-fifth year, have been domiciled or employed at least 1 year within the territorial jurisdiction of the court, and are eligible for the office of constable or sheriff. If the jurisdiction of a court is limited to certain classes of industries, only the employers and employees in those industries may take part in the elections or be elected. Neither members of a guild having an arbitration committee, nor their employees, may take part in the constitution of a court under this law.

To be eligible for election as members of a court persons must be 30 years of age and must have resided or worked in the district for at least the 2 preceding years. Persons are not eligible for election if they or their families have been recipients of public relief which has not been repaid, and if they are disqualified from holding the office of constable or sheriff.

The details of the method of holding elections are prescribed by acts of the local authorities. These may provide that specified industrial groups may each elect 1 or more associates. They may also specify to what extent home workers shall be eligible as electors or members of the courts.

Objections to the legality of an election must be made within 1 month to the higher administrative authorities. If the objection is sustained, the election must be declared void and a new election be held.

In cases where no elections are held, or where they have been repeatedly declared void after having been held, the higher administrative authorities may order that such elections be held by the local authorities where they should have been held by employers or employees, or may themselves appoint members where the election should have been held by the local authorities.

The office of associate is an honorary one, there being no salary attached to it. Acceptance may be refused only upon the same grounds that would justify a person refusing an unsalaried communal office. Where there are no legal provisions regarding the declination of communal offices, a person elected as an associate may decline to serve upon the same grounds that would justify him in declining the position of guardian.

Any person, however, who has been an associate for 6 years may decline to serve for the ensuing 6 years. In all cases the reasons for declining to serve must be put in writing, and will be acted upon by the local authorities.

Though they receive no salary, associates must be allowed a compensation for time lost and be reimbursed for traveling expenses incurred in attending sessions of the court. The amount to be so allowed is determined by local statutes, and can not be declined by the members.

If circumstances arise or become known which would make a member ineligible for election to the office he must be removed by the higher administrative authorities, after an opportunity has been given to the interested parties to be heard. If a member is guilty of a gross violation of his duties, he may be removed by the provincial court (*Landgericht*) of the district. Proceedings in such cases are instituted by the state's attorney.

Before entering upon their duties the presidents and their deputies must take oath of office before an official designated by the higher administrative authorities, and the associates must take oath of office before the president of the tribunal.

Associates who, without sufficient excuse, do not attend the sessions of the court with promptness, or who in other ways fail to fulfill their obligations, may be sentenced by the president to the payment of a fine not exceeding 300 marks ($71.40), in addition to such costs as may have been incurred. If a sufficient excuse is afterwards given, the fine may be partially or wholly remitted. An appeal from the action of the president in this matter may be taken to the provincial court of the district in which the arbitration court has its seat.

An arbitration tribunal when exercising its functions must consist of 3 members, including the president, unless otherwise provided by local statute, which may provide that in general or for certain classes of disputes a larger number of associates must be called. In all cases there must be an equal number of employer and employee associates. A registrar's office must be created for each court.

The law contains detailed provisions concerning the method of procedure in the arbitration courts, which need not be here reproduced except in brief summary form. In general the rules governing procedure in the civil courts are followed, except in so far as they are expressly modified by the present law. Parties can not be represented by attorneys or persons making a business of court proceedings. The terms of the courts will be fixed by their presidents. Parties must be formally summoned by the registrar. When a complaint is entered upon the docket, the president must appoint the earliest possible time for its trial. On regular court days the parties to a dispute may voluntarily appear without having been previously summoned or a day of trial fixed. The filing of a complaint in such a case consists simply of a verbal statement. The complaint must be recorded if the matter remains in dispute. Except in certain special cases, proceedings must be public.

If the complainant fails to appear at the time of trial, judgment will be rendered against him in default, and the case dismissed if the defendant so requests. If the defendant fails to appear, and the complainant makes a motion to that effect, the facts alleged in the bill of complaint will be considered as admitted, and so far as they justify the redress asked judgment will be rendered; otherwise the action will be dismissed. Parties against whom judgment by default has been rendered may within 3 days file a petition that it be set aside. This petition must be heard by the court, and if acted upon favorably the case will be restored to the status in which it was before judgment was rendered.

If the parties duly appear, the effort must first be made by the arbitration tribunal to effect an amicable settlement of the dispute. This attempt at conciliation may be renewed at any stage of the proceedings, and must be renewed at the close of the proceedings if both parties are present. If an agreement is reached, its terms must be recorded in the minutes and be read to the parties. The minutes must state that the agreement has been read to the parties, and must record its approval by the parties or any objections that were made to it.

If an amicable agreement is not reached, the action will go to trial. The president will conduct the proceedings. His aim must be to have the parties make a full declaration of all important facts, to indicate the evidence required to establish the claims made, and to make such orders as may be necessary. He may at any time order the personal appearance of the parties, and in the case of their failure to appear may impose a fine not exceeding 100 marks ($23.80) in amount. Objection to this fine may be made according to the ordinary rules of civil procedure.

If the continuance of a case to another term is necessary, especially when this is required because necessary evidence can not be immediately obtained, the future term and the time for the taking of the evidence must be immediately designated.

Evidence must, as a rule, be taken before the arbitration tribunal. A record must be kept of all proceedings, which must be signed by the president and the registrar.

The judgment must be announced at the term during which the proceedings are terminated; or, if this can not be done, within 3 days at a specially appointed term. The judgment must show: (1) The members of the court who have participated in the trial of the cause; (2) the parties; (3) a brief summary of the matters in dispute and the important grounds for the decision; and (4) the terms of the judgment rendered and the amount of the costs as far as they can be immediately ascertained.

If the judgment requires the performance of an act, the party obligated may, at the request of the other party, be held to pay an indemnity as fixed by the court in case of its nonperformance within a specified time. In the assessing of costs the tribunal, when requested by the successful party, may in its judgment include an indemnity for the time lost by the successful party in his attendance at the trial. Decisions regarding the fixing of costs are final. Appeals from judgments regarding the matters in dispute, however, may be made to the district court when the amount involved exceeds the sum of 100 marks ($23.80). Decisions are enforced according to the general rules contained in the law relating to civil procedure. The civil courts must render all assistance within their legal powers.

Careful provisions are made by the law that the prosecution of actions in the industrial courts shall be as inexpensive as possible. The law thus provides that only one fee shall be charged in each case, which shall be proportionate to the amount of the sum in dispute. Where this sum does not exceed 20 marks ($4.76) the fee is 1 mark ($0.24); where it is more than 20 marks ($4.76), but not more than 50 marks ($11.90), 1½ marks ($0.36); and where the sum is more than 50 marks ($11.90), but not more than 100 marks ($23.80), 3 marks ($0.71). Three marks ($0.71) additional are charged for each additional 100 marks ($23.80). In case judgment is acknowledged or rendered by default, or the case is withdrawn before actual trial, only half fees will be charged. If a conciliation is effected at any stage of the proceedings the fee will be remitted altogether. The constitution of each court also may provide for a lower scale of fees or their entire remission. The losing party is responsible for costs. They will be assessed according to the ordinary method in judicial proceedings, and their collection may be enforced in the same way as communal taxes.

In addition to sitting as formal courts for the adjudication of labor cases, the arbitration tribunals may act as boards of conciliation to adjust disputes affecting the relations between the employers and their employees. In order to act in this capacity they must be formally requested to serve by both employers and employees. When the latter are more than 3 in number they may appoint delegates to represent them. Such delegates must be at least 25 years of age and in the possession of their full legal rights.

When sitting as a board of conciliation (*Einigungsamt*), the tribunal must consist of the president and 2 employer and 2 employee associates. The board, however, may be increased by the addition of an equal number of prudhommes (*Vertrauensmänner*) for employers and employees. This will be done when both parties request it and designate the names of the persons to be selected. None of the persons on the board must be interested in the dispute.

The board of conciliation, after hearing both parties or their delegates, must determine the points in dispute and the circumstances regarding them that must be taken into account in arriving at a decision. Any associate or prudhomme has the right to put questions through the president to the delegates and witnesses. After a clear understanding concerning the circumstances of the dispute is had, each party must be given an opportunity in a general discussion to express himself regarding the matters alleged by the other party or in the way of testimony by witnesses. This done, the effort to effect a conciliation will be made.

If a conciliation is arrived at its terms must be reduced to writing and signed by all the members of the board and the delegates of both parties. If a conciliation is not effected the board must render a decision covering all the points in dispute

between the parties. This decision will be arrived at by a simple majority vote. If, as the result of this vote, it is found that all the employer associates and prudhommes voted one way and all the employee associates and prudhommes voted another, the president may withhold his vote and declare that a decision has not been reached.

When a decision is given it must be announced to the delegates of both parties, with the notice that they must declare within a specified time whether they will abide by the decision or not. At the expiration of the time specified the board must issue a public notice, signed by all the members of the board, containing the decision rendered and the declarations made by the parties regarding the same. If neither a conciliation nor a decision is obtained this fact must be published by the president of the board.

As in the case of councils of prudhommes in other countries, these bodies may be called upon by the State authorities or the officers of the union of communes for which they are created to report upon industrial questions. For this purpose the tribunals may form special committees, which, if the questions to be considered interest both employers and employees, must be composed of equal numbers of employer and employee associates. The tribunals may also, upon their own initiation, make recommendations concerning labor matters.

The cost of creating and maintaining the labor courts, as far as they are not covered by receipts, must be defrayed by the communes or unions of communes in which they are located.

Provision is finally made for the settlement of labor disputes in districts in which labor courts, as provided by this law, are not created. In such districts the chief officer of the communes (*Bürgermeister, Schultheiss, Ortsvorsteher*, etc.) is empowered to hear disputes in relation to the making, continuance in, or breaking of the relations between employers and employees, or in relation to the dues required of employees for insurance against sickness.

The parties to a dispute must be given an opportunity to make known their contentions and to introduce evidence. If a conciliation is arrived at its terms must be reduced to writing and be signed by the parties and the communal authority. The decision of the latter must be in writing and may be immediately enforced, if an appeal is not taken within 10 days to the ordinary courts by the local police authorities.

The chief officer of a commune may delegate the duty of deciding labor disputes as above described to a special officer. Instead of leaving this matter to the communes, the provincial authorities may provide for a general conciliation board for the adjustment of disputes within their districts.

(U. S. Labor Bulletin, Vol. V, pp. 371–378.)

AUSTRIA.

ARBITRATION TRIBUNALS.

Provision has been made in various ways for the conciliation or arbitration of labor disputes in Austria. The inspectors of factories can act as mediators in certain classes of cases. The law, at least, expressly states that part of their duties are to hear complaints, give advice, and attempt to prevent open rupture between employers and their workingmen. The guilds, also, as has been shown, are required to create arbitration committees, with the function of adjusting disputes between guild members or guild members and their employees.

In addition to these provisions the effort was made by the law of May 14, 1869, to promote the establishment of arbitration tribunals of more general and extensive powers, after the model of the French councils of prudhommes. This law, however, on account of its non-obligatory character and for other reasons, proved to be an ineffective measure, and the results achieved under its provisions were unimportant. With the development of production upon a large scale, and the increasing severity of industrial disturbances, the need for effective arbitration courts became more acutely felt. After a discussion and

agitation extending over a considerable number of years, the law of 1869 was repealed, and in its place was enacted the law of November 27, 1896, now in force. A summary of the provisions of this important law follows:

Special arbitration courts for the settlement of industrial disputes between employers and their employees and between employees in the same establishment will be created whenever deemed desirable, by the order of the minister of justice, acting in conjunction with the other ministers who are concerned with the branches of industry to which the courts will specially relate. In general these courts will be created upon the recommendation of the provincial councils (*Landtage*). The law, however, further provides that not only the provincial councils, but the local authorities, boards of trade and industry, factory inspectors, and all kinds of industrial organizations and unions can petition for their creation. In the case of all such requests an inquiry will be made concerning the local conditions and needs, and decision will be made by the minister of justice in accordance with the results of this investigation. In all places where industrial courts had been created by virtue of the old law of 1869 these bodies must be reorganized so as to conform to the requirements of the new law.

The order by which an industrial court is created determines the district to which it relates and the industries over which its jurisdiction will extend. The district may correspond with a commune, may embrace only a part of a commune, or may comprise a number of communes. As regards the industries to which it relates, a court can be created for particular categories or for all classes of industrial establishments in the district.

In all cases the jurisdiction of industrial courts excludes that of the political authorities, the ordinary courts, and existing industrial courts; and parties to a dispute can not renounce this jurisdiction by mutual agreement. The jurisdiction and powers of the arbitration committees of the guilds, however, remain undisturbed.

As regards the class of subjects that may be brought before these courts, the law declares that they shall be competent to decide, without reference to the value of the matters in dispute, all questions relating to (1) disputes concerning wages; (2) disputes concerning the making, continuance, and breaking of labor or apprenticeship contracts; (3) disputes concerning the conditions under which labor is performed and claims for damages that may arise in connection therewith, and especially in respect to deductions from wages and conventional fines that have been agreed upon; (4) disputes concerning the deliverance or contents of labor books and certificates, and especially concerning claims for damages by employees on account of the books not being delivered at the proper time, the refusal of the employer to make the required entries, or the insertion of improper entries or remarks; (5) disputes concerning membership in the pension or other aid funds in so far as the arbitration tribunals of the accident-insurance institutions or of the sick funds or other statutory arbitration tribunals do not have jurisdiction; (6) disputes concerning the giving of notice of intention to leave, vacating, and the rent of dwellings the use of which by the employees is authorized by the employer either with or without remuneration; and (7) disputes concerning claims which may arise between employees in the same establishment who have undertaken work in common.

The following classes of persons are considered as workingmen as understood by this law: (1) Superintendents and foremen; (2) all persons, including day-laborers, working as employees in industrial establishments (*alle im gewerblichen Betriebe beschäftigten Hilfsarbeiter*); (3) all persons who work for wages outside of the establishment, upon the raw materials or partly manufactured articles for the employer; and (4) all persons employed in mercantile services in commerce (*bei Handelsgewerben alle zu kaufmännischen Diensten verwendeten Personen*).

Each industrial court will be composed of a president, and, if necessary, a substitute, and not less than 10 associates representing the employers and 10 associates representing the employees, and the necessary number of substitutes. The president

and his substitute are appointed by the minister of justice and must be men having the qualifications necessary for appointment to a judgeship. The associates are elected half by the employers and half by the workingmen organized as separate electoral bodies. These bodies in each case elect from among their own number.

Employer electors consist of all owners of establishments in the trades for which the industrial court is created within the district of the court. Where an establishment is operated by a manager or is leased to another person, the manager or lessee, instead of the owner, will be deemed to be the elector. Women can vote by giving a power of attorney. Public trade associations, joint stock and similar companies, corporations, and unions can exercise their right to vote through a duly authorized representative. State establishments can in like manner be represented by properly designated officials.

Workingmen electors consist of all workingmen and workingwomen employed in the industries over which the industrial court has jurisdiction, and situated within the district of the latter, who have completed their twentieth year, and who, during at least the previous year, have been employed in the country. Apprentices do not have the right to vote. Equally excluded from the right to vote are persons placed under a guardian or whose property has been turned over to creditors, so long as this condition of affairs exists, or who are charged with, on trial for, or undergoing punishment on account of, a criminal offense, or who, as a result of a judgment according to law, are excluded from the suffrage in respect to the communal council.

Candidates for election must be males 30 years old, possessing the right of suffrage as above described, Austrian citizens, and enjoying their full rights. In state industries and in transportation and factory undertakings the officials in the establishments concerned are eligible for election. Those persons, however, are excluded from election who, according to existing law, are ineligible to serve on a court as the result of a criminal judgment.

An associate or substitute can decline election or resign after having entered office (1) if he is over 60 years old; (2) if physically incapacitated for performing the duties of the office; (3) if he has just served a term as associate; and (4) if he does not live within the district over which the court has jurisdiction. In cases of doubt the civil court of the district in which the arbitration court is situated will decide as to whether the withdrawal is justifiable or not.

Associates and their alternates are elected for 4 years. After the first 2 years, however, one-half of their number, consisting of equal numbers of employer and employee representatives, as determined by lot, will retire from office, and a special election will be held to fill their places. Thereafter elections will be held every 2 years for the election of half the number of associates and alternates. The civil court of first instance can also order special elections to fill vacancies that may have been caused in any way when it deems such action desirable.

In order to provide for the contingency of either employers or employees collectively abstaining from taking part in the election of these members in order to prevent the constitution of a court, the law provides that when two attempts without success have been made to secure through elections associates from either of the electoral bodies, the political authorities shall transmit to the civil court of first instance a list of those persons who are held to be the most competent and worthy to serve as associates. From this list the court will select names of three times as many as are needed to fill the vacancies, and a selection of the necessary number will then be made by lot. It is the duty of the communes to prepare the list of electors for both the employers and employees. In all cases where the right of a person to figure upon one of these lists is questioned, a decision will be made by the industrial authorities, from whose action an appeal can be taken to the provincial authorities (*Landesstelle*).

The elections will be held under the supervision of the industrial authorities. Votes must be cast by the electors in person. The candidates receiving an absolute majority of the ballots cast are declared elected. In case of a tie vote, a decision is reached by drawing lots. Administrative orders are promulgated determining the details of the electoral proceedings, the verification of the electoral lists, etc. "When the jurisdiction of an industrial court relates to a number of different branches of industries, it can be provided that the election of associates shall be by industries, in order that each branch may have its proper number of representatives.

The names and addresses of all members of industrial courts must be publicly made known. Associates and their alternates receive no indemnity other than the reimbursement of their actual expenses, with the exception that the associates chosen from among the workingmen receive an indemnity for their loss of time for each day upon which they are engaged in court work, the amount of which is determined by special regulations. It is the duty of the communes in which the courts are situated to provide and care for the quarters necessary for the courts, and to look after their

other requirements. All other expenses will be defrayed by the State. The methods of work, division of duties, etc., of the courts will be determined by the president. The president and his substitutes are under the supervision of the civil courts o their districts.

Associates who, without good reasons, fail to attend the meetings of the court, or do not attend at the proper time, or are wanting in other respects in the performance of their duties, may be punished by the president by fines not exceeding 200 gulden ($81.20) in amount for each delinquency. The civil court of first instance can dismiss an associate whenever any circumstance arises or becomes known which renders the latter ineligible for his office, or whenever he is guilty of gross dereliction of duty, and especially when, in spite of the repeated imposition of fines, he absents himself from the meetings of the court. The civil court will also fix the time during which his incapacity to be reelected will continue.

An associate or alternate must be removed from office by the civil court if he ceases to be an employer in an undertaking in virtue of which he was elected, or if he ceases to be an employee through entrance into another calling permanently removing him from the employee class, or if for 3 months he has engaged in a business over which the court does not have jurisdiction. In all such cases the associates also have the right voluntarily to resign from their offices. An appeal from the action of the civil court in respect to the removal of an associate can be taken to the superior court (*Oberlandesgericht*).

For the purpose of transacting business and rendering decisions, industrial courts will consist of their presidents or their alternates and two associates, one of whom must be an employer and the other an employee representative. The manner in which associates or their alternates will be summoned to the meetings by the president will be fixed by regulations for that purpose. An industrial court can be divided into permanent sections according to particular trades or allied branches of industry. In the case of those courts whose jurisdiction extends to commercial enterprises a special section must be formed for such undertakings, and associates for this section must be specially elected from electoral bodies consisting of persons concerned with such enterprises.

Where the methods of procedure are not fixed by the present law, the industrial courts will follow the practice of the civil courts in reference to minor matters. In the transaction of business concerning industrial disputes enumerated in the section setting forth the matters over which the industrial courts have jurisdiction, that court will have jurisdiction in whose district the establishment in which the dispute exists is situated. Where the employees who are parties to a dispute work outside of the establishment, that court will have jurisdiction in whose district the work is performed or the wages are paid. It is the duty of the industrial courts to guard their jurisdictional rights. When the jurisdiction of an industrial court as regards the subject-matter of a dispute has been affirmed by the civil court, or vice versa, the decision is binding upon the court declared to be competent.

Members of an industrial court are disqualified from taking part in proceedings in reference to matters in which they, their wives, or other persons closely related to them are interested, or where there are any circumstances that might prejudice their judgment. Parties to a dispute can be represented by an agent, foreman, or other employee when the latter is provided with the proper power of attorney. Representation by a fellow-employee is permitted where it is made evident that the party himself is hindered from appearing.

Industrial courts must, as necessity demands, establish and make known the days and hours when complainants and defendants can appear, without formally being summoned, in order to submit their differences. In general, the first hearing of a dispute must be had within 3 days after a complaint has been entered. The first hearing can be had by the president, without summoning the associates, for the purpose of attempting an adjustment of the difficulty without a trial or for considering matters relating to the competence of the court. If the parties agree to forego their right of having the associates summoned, the matter can be forthwith decided. In all cases where an agreement is not reached at the first hearing the matter must be brought before the court, and the president must inform the associates of what took place during the first meeting.

The judgment of an industrial court as regards matters of fact is final when the amount involved does not equal 50 gulden ($20.30). When the amount involved is 50 gulden ($20.30) or over, or an error of law or procedure is alleged, an appeal can be taken to the civil court of the district. In considering these appeals the civil court will be assisted by 2 associates of the industrial court. Judgments of an industrial court can be enforced by writs of execution in the civil court of the district in which the industrial court is situated or the defendant resides.

Decisions of the arbitration committees of the guilds in disputes, the subject-matter

of which falls within the jurisdiction of the industrial courts, can only be called in question before the industrial courts if the guilds concerned are situated within the districts of the industrial courts.

In addition to providing for the creation of a system of special labor courts, the law of 1896 made what is considered as a very important change in the existing law regarding civil actions between employers and employees. This change is expressed in the following section:

"All disputes arising between employers and their employees, or between different employees, in relation to labor, apprenticeship, or wage conditions, the settlement of which is provided for by section 87c of the law of March 8, 1885, shall, from the day upon which the present law enters into effect, belong to the civil courts of the district where industrial courts have not been created for their decision, without reference as to whether they were brought during the continuance or after the termination of the particular labor, apprenticeship, or wage conditions, and without reference to the value of the matter in dispute."

"The significance of this section," says Professor Willoughby, "lies in the fact that prior to the going into force of the present law disputes between employers and employees, or different employees, regarding labor conditions were not treated as ordinary contentions, the settlement of which could be demanded in the civil courts. Instead, the law required that they should be referred to the political authorities, or, in the case of the small trades not under the control of guilds, to special tribunals (*schiedsgerichtlichen Kollegien*). This system, which gave rise to much complaint, is completely abolished by the present law, and such disputes may now be referred for settlement to the industrial courts, or, in their absence, to the civil courts. Workingmen are thus placed in a position of equality with other persons as regards their right to have disputes affecting the conditions of labor settled in the regularly constituted judicial bodies of the country.

"Before leaving the consideration of this law it should be noted that provision is made whereby the industrial courts can be intrusted with certain purely administrative duties. It is made their duty, whenever requested by the provincial authorities (*Landesbehörde*), to make reports concerning industrial questions. For this purpose the courts can appoint special sections to collect and prepare the material desired. Whenever the questions considered interest both employers and employees, these sections must be composed of equal numbers of employer and employee representatives. They meet under the direction of the court. The courts also have the right upon their own initiative to submit propositions to the provincial authorities in reference to matters concerning trades over which their jurisdiction extends."

(U. S. Labor Bulletin, Vol. V, pp. 590–596.)

HOLLAND.

Law of May 2, 1897.—Upon the recommendation of the minister of the waterstaat, commerce, and industry, the King may by decree create a council of labor wherever the utility of such a body is demonstrated and its organization is believed to be feasible. The council may be for one or a number of different industries, and may have as its district a single or several communes.

A council may be dissolved or suppressed in the same way. A council will be dissolved when, in spite of repeated warnings given it by the ministers, it continues to violate the regulations adopted for its government, the provisions of the present law, or the decree issued in virtue of the latter. The order which pronounces the dissolution must provide for the constitution of a new council within 2 months. A council will be suppressed when the need for it no longer exists, when it is unable to maintain an effective organization, or when it continues to act after its dissolution has been ordered.

The purpose of councils of labor is to advance the mutual interests of employers and employees by having these two classes act together; in securing information concerning labor conditions; in giving advice to the communal, provincial, and central authorities, either upon the demand of these officials, or upon their own initiative, concerning any matter relating to labor; in giving advice and formulating agreements

and regulations as requested by interested parties; and, finally, in attempting to adjust disputes concerning labor conditions and, when necessary, in arbitrating between the parties.

Each council must be composed of an equal number of employers and employees selected from among the persons exercising the industries for which the council is created. Each class selects its own representatives. The determination of what classes of workers should be assigned to each of these two categories—employers and employees—was one of the most difficult with which the framers of the law had to contend. The simple division of the persons engaged in industry into work givers and work receivers would result in the inclusion in the latter class of superintendents, overseers, engineers, etc., whose interests are often more identified with those of the employers than of the employees. To avoid this difficulty the law provides that the order creating a council may provide that certain of these higher officials shall be considered, for purposes of this law, as belonging to the class of employers. It was also feared that the foremen, assistant foremen, or other workingmen in authority over workingmen, might abuse such authority by causing themselves to be elected to the councils by the workingmen against the real desires of the latter. As such a result would defeat the whole purpose of the councils, whose effectiveness depends upon the hearty good will of the parties interested, it was provided that these classes might, when it seemed desirable, be excluded from the class of employees by the decree creating or modifying the councils.

Those persons are considered as employers for the purposes of the law who are the heads or directors of industrial establishments employing at least one person over 20 years of age for wages, and all those who exercise a control over the management of affairs by the heads or directors, as well as those who, employed in the industry, are by reason of the character of their occupations assimilated with the class of employers by the decree creating or modifying the council.

Those persons are considered as employees who work for wages in an industry, with the exception of those who are specially excluded by the decree creating or modifying the councils on account of the authority which they exercise over other persons and of the character of their work.

The right to vote for members of a council belongs to those persons of both sexes who are inhabitants of the Kingdom, of the Dutch nationality, are at least 25 years of age, and have been engaged either as employers or employees in one of the industries represented in the council either during the past calendar year or during such part of that year, in the case of industries which are not continuously prosecuted, as may be determined by official decree. Those persons, however, are excluded from the right of suffrage who, by virtue of a judicial decision, have been deprived of the right to vote or be elected to a public office, or to exercise any trade, or have been deprived of the right freely to administer their own property, as long as such incapacity exists.

Two lists of electors, one for the employers and the other for the employees, will be prepared for each council in each commune. Electors who are in prison can not vote. These lists are prepared by the communal authorities. The electors vote in the commune in which they are registered. Disputes concerning the right to vote or to be elected are decided by the permanent deputations in the first instance, and by the King upon appeal. The details of conducting the elections are determined by official decrees. Employers must allow their employees at least 2 hours during the hours for voting in which to cast their ballots, and also to post up in their establishments during 2 working days before and during the day on which the election takes place, a notice informing the employees of such election, and indicating the hours during which they can absent themselves to vote.

Only those persons, by which are meant both men and women, are eligible to election as members of a council who are inhabitants of the Kingdom, of Dutch nationality, at least 30 years of age, and have been engaged as employer or employee in one of the industries embraced in the council, either during the last calendar year or, dating from the day of their majority, during 3 years of the 10 years immediately preceding their election. An official order will determine, in the case of industries which are not carried on during the whole year, the part of the year which will be considered as a whole year. Those persons, however, are excluded from the right of being members who, by virtue of a judicial decision, have been deprived of the right to vote or be elected to a public office, or to exercise any trade, or have been deprived of the right freely to administer their own property, or have been condemned to imprisonment for as long as 6 months, as long as such incapacity or imprisonment lasts.

Members are elected by the persons whose names figure on the electoral lists. On the first ballot only those candidates are declared elected who receive a majority of

the votes cast. If the number receiving this majority is superior to the number of places vacant, those who receive the largest number of votes, and in case of a tie the eldest, or where the two persons are of the same age the one selected by lot will be declared elected.

If all the places are not filled on the first ballot by candidates receiving a majority of the votes cast, the president of the electoral board must immediately prepare a new list of candidates, consisting of those persons, to the number of twice the number of places vacant, who received the largest number of votes on the first ballot. The second ballot must take place within the 14 days following the first voting.

Members are elected for terms of 5 years and are reeligible. The whole council is elected at the same time. No person can be a member of more than one council. The acceptance of a nomination while already a member of another council acts as a resignation from the position already occupied. The president of the electoral board must immediately inform all successful candidates of their election by registered letter. If a person is elected to more than one council or by both employers and employees he must make an election as to which place he will accept.

Members can resign at any time. If a council loses so many of its members, either by resignations, deaths, or otherwise, that it can not effectively perform its duties, a special election may be ordered by the minister of the waterstaat, commerce, and industry. Members thus elected retire at the same time as those elected at the regular elections.

Each council must formulate its own constitution, which will not become effective until it has been approved by a royal decree. No changes must be made in the constitution by the Government, except as are necessary to make it conform to legal requirements.

The governing board of a council consists of a president and 2 members. The employer and employee members of the council must each select 1 of their number to serve as president, and these 2 persons then serve alternate 6-month terms. The other 2 members are in the same way selected, one by the employers and the other by the employees. A person selected as a presiding officer, while not serving as such, may attend the meetings of the governing board, but has only a consultative voice in the proceedings. If the president is absent from a meeting the other president replaces him, and if both are absent the eldest of the two members of the board. Each council must also elect a secretary from a list of two persons submitted to it by the governing board. This officer is entitled to a remuneration for his office expenses, the amount of which will be fixed by a royal decree.

The governing board must meet as often as the president judges necessary or its assembling is requested in writing by one of the members. The reasons for the request must be stated in the latter case. The full council must meet at least 4 times each year, and at any other time when the president deems it necessary or the 2 other members of the governing board or one-third of the members of the council request it in writing, stating the reasons for such request. In this case the president must convoke the council within 14 days after he receives notice of the request.

The arbitration or conciliation of disputes between employers and employees constitutes, probably, the most important function of these councils. Regarding this point the law provides that whenever a dispute arises or threatens to arise between persons engaged in an industry in the commune over which a council of labor has jurisdiction, the parties interested, or either of them, may request the intervention of a committee of conciliation. This request must be in writing, give the cause which led to the dispute, and must be according to a fixed form in order that only that information which is absolutely essential may be given, and unnecessary and irritating details be avoided.

In case the dispute arises or threatens to arise in an industry which is not represented in a council in its commune, the appeal for conciliation or arbitration can be made to any council of the commune, or if there is none, to a council having jurisdiction in a neighboring commune.

Power is also given to the mayor of a commune or the governor of a province to request the good offices of a council of labor for the prevention or settlement of a dispute in the same way as may be done by the parties to the dispute. In case two different councils are appealed to, the mayor of the commune in which the dispute arises will decide which shall take action.

Immediately upon receipt of the request for its intervention, the council must, through its governing board, attempt to bring about an amicable settlement of the matter. If it is unable to do so, the matter must be immediately brought before the council itself. The council must then, if it considers the matter, or where its intervention will be of use, appoint a committee on conciliation to be composed of a president, who must not be a member of the labor council, and an equal number of employer and employee members of the council. The secretary of the council will act as the secretary of the conciliation committee.

The president of the committee must seek to make the parties agree not to leave work, or to dismiss an employee interested in the dispute during the pendency of conciliation or arbitration proceedings. The proposition to make such an agreement a condition precedent to any action on the part of the councils was rejected by the Parliament, owing to the fear that such a condition might prevent parties from seeking the intervention of the councils.

The conciliation committee must meet as often as its president deems necessary. After examining the dispute for the settlement of which it was created, it must render its opinion in writing. If the committee is not unanimous, the minority can require that their opinion shall be included in the report. This report may be made public in its entirety or in part. As the committee has no power to enforce its decisions, this appeal to public opinion through the publication of its opinion constitutes the chief dependence of the committee that its decision will be obeyed.

It is interesting to note that the provisions of the code of civil procedure are modified to the extent that if the parties agree to submit the matter to arbitration, women may be appointed as arbitrators.

The meetings of the councils proper or their governing boards are held with closed doors. Members must be duly notified of all meetings and the subjects that are to be considered. Other questions must not be considered unless at least two-thirds of all the members are present. The council may impose secrecy as to its proceedings upon its members. Whenever a vote is taken an equal number of employer and employee members must participate. In case there is an unequal number of the two classes present, a sufficient number of the youngest members of the more numerous class must abstain from voting to insure a parity in number of the two classes. The persons thus abstaining, however, have a consultative voice. Definite action can in no case be taken unless half the members of each class of members are present.

Each council must prepare an annual report in the form prescribed by the ministers of the waterstaat, commerce, and industry concerning its work, which must be sent to the ministers just mentioned. This report, as made, or in abridged form, will be transmitted to the Parliament. An official order will determine what other kinds of information must be collected by the councils and forwarded to the Government.

The commune in which a council has its headquarters must, upon the request of that body, furnish it gratuitously with a room suitable for its meetings, and heat and light it when necessary. The members and secretary of the council, as well as the president of the conciliation committee, are entitled to be reimbursed for such traveling expenses as they incur in performing their duties, and also to a compensation for taking part in the meetings. These payments, as well as those necessitated by the printing of the reports and office expenses, will be made by the State. Election expenses will be defrayed by the communes. (U. S. Labor Bulletin, Vol. V, pp. 1046–1051.)

NEW ZEALAND.

THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT.

The act relating to the compulsory arbitration of labor disputes is undoubtedly the most characteristic piece of labor legislation passed by any of the Australasian colonies. The great strike of 1890, which so disorganized industry in New Zealand, gave great prominence to all measures of labor reform. The subject of the arbitration of labor disputes was naturally one of the first to be taken up. Chiefly owing to the efforts of Mr. W. P. Reeves, the minister of labor for the colony, action took the form of the introduction of the principle of compulsory arbitration. The consequence was the passage of the industrial conciliation and arbitration act, 1894—August 31, 1894. This act has since been 3 times amended, by the acts of October 18, 1895, October 17, 1896, and November 5, 1898, respectively. (Willoughby, U. S. Labor Bulletin, Vol. V., p. 207.)

A copy of the act as it now stands is given below. It was thought preferable to reproduce the original act, incorporating in it all changes provided for by the amending acts, than to print all the 4 acts separately and thus leave to the reader the difficult task of determining the present exact status of the provisions. Footnotes indicate carefully all the provisions which are due to the amending acts.

[Note.]

THE NEW ZEALAND INDUSTRIAL CONCILIATION AND ARBITRATION ACT AS AMENDED.

[Act of August 31, 1894, as amended October 18, 1895, October 17, 1896, and November 5, 1898. Amendments incorporated in original law by Dr. W. F. Willoughby in Bulletin of the Department of Labor, VI, pp. 207–230, from which this text is taken.]

AN ACT to facilitate the settlement of industrial disputes by conciliation and arbitration [31st August, 1894].[1]

Be it enacted by the general assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows

1. The short title of this act is "The Industrial Conciliation and Arbitration Act, 1894." It shall come into force on the first day of January, 1895

2. In this act, unless the context otherwise requires—

"Association" means an industrial association registered pursuant to this act.

"Board" means a board of conciliation for an industrial district constituted under this act, and includes a special board of conciliation

"Court" means the court of arbitration constituted under this act.

"Employer" includes persons, firms, companies, and corporations employing workers.[2]

"Industrial dispute" means any dispute arising between one or more employers or industrial unions, trade unions, or associations of employers and one or more industrial unions, trade unions, or associations of workers in relation to industrial matters as herein defined.

"Industrial matters" means all matters or things affecting or relating to work done or to be done, or the privileges, rights, or duties of employers or workers in any industry, and not involving questions which are or may be the subject of proceedings for an indictable offense, and, without limiting the general nature of the above definition, includes all or any matters relating to—

(a) The wages, allowances, or remuneration of any persons employed in any industry, or the prices paid or to be paid therein in respect of such employment.

(b) The hours of employment, sex, age, qualification or status of workers and the mode, terms, and conditions of employment

(c) The employment of children or young persons, or of any person or persons or class of persons in any industry, or the dismissal of or refusal to employ any particular person or persons or class of persons therein

(d) Any established custom or usage of any industry, either generally or in the particular district affected.

(e) Any claim arising under an industrial agreement

"Industrial union" means an industrial union registered and incorporated under this act.

"Industry" means any business, trade, manufacture, undertaking, calling, or employment of an industrial character

"Officer" of a trade union, industrial union, or association of workers, means only the president, vice-president, secretary, or treasurer of such body.

"Prescribed manner" means the manner prescribed by regulations made pursuant to this act.

"Registrar" means the registrar of friendly societies.

"Supreme court office" means the office of the supreme court in the district constituted under the supreme court act, 1882, wherein any matter arises to which such expression relates, and, where there are two such offices in any such district, it means that one of such offices which is nearest to the place or locality wherein any such matter arises

"Trade union" means any trade union registered under the trade-union act, 1878.

Words in this act referring to any clerk, person, officer, office, place, locality, union, association, or, other matter or thing shall be construed distributively as referring to each clerk, person, officer, office, place, locality, union, association, or matter or thing to whom or to which the provision is applicable.

PART I.

REGISTRATION OF INDUSTRIAL UNIONS AND ASSOCIATIONS.

(1) *Industrial unions*

3. A society consisting of any number of persons, not being less than 5,[3] residing within the colony, lawfully associated for the purpose of protecting or furthering the interests of employers or workers in or in connection with any industry in the colony, and whether formed before or after the passing of this act, may be registered as an industrial union pursuant to this act on compliance with the following provisions:

(1) An application for registration, stating the name of the proposed industrial union, shall be made to the registrar, signed by two or more officers of the society

(2) Such application shall be accompanied by (a) a list of the members and officers of the society; (b) two copies of the rules of the society; (c) a copy of a resolution passed by a majority of the members present at a general meeting of the society specially called in accordance with the rules for that purpose only and desiring registration as an industrial union.

(3) Such rules shall specify the purposes for which the society is formed, and shall provide for—

(a) The appointment of a committee of management, a chairman, secretary, and any other necessary officers, or, if thought fit, of a trustee or trustees; and for supplying any vacancy occurring through any cause prescribed by the rules, or by death or resignation.

(b) The powers, duties, and removal of the committee, and of any chairman, secretary, or other officer or trustee of the society, and the control of the committee by general or special meetings.

(c) The manner of calling general or special meetings, the quorum thereat, and the manner of voting thereat.

(d) The mode in which industrial agreements and any other instruments shall be made and by whom executed on behalf of the society, and in what manner the society shall be represented in any proceedings before a board or the court.

(e) The custody and use of the seal, including power to alter or renew the same.

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[1] The words "to encourage the formation of industrial unions and associations and" appearing immediately after the word "act" in the principal act were suppressed by the amendment act of 1898.

[2] The principal act uses the word "workmen." The amendment act of 1895 provides that the word "workers" shall be substituted for "workmen" throughout the act.

[3] Changed from 7 in the principal act to 5 by the amendment act of 1895.

(f) The control of the property of the society, and the investment of the funds thereof; and for an annual or other periodical audit of the accounts.

(g) The inspection of the books and the names of members of the society by every person having an interest in the funds thereof.

(h) A register of members and the mode in which and the terms on which persons shall become or cease to be members, and so that no member shall discontinue his membership without giving at least 3 months' previous written notice to the secretary of intention so to do, nor until such member has paid all fees or other dues payable by him to the union under its rules, and which fees or dues, in so far as they are owing for any period of membership subsequent to the registration of the society under this act, may be sued for and recovered in any court of competent jurisdiction by any person or authority empowered to do so by law or by such rules.

(i) The conduct of the business of the society at some convenient address to be specified, and to be called the registered office of the society.

4. (1) The rules may also provide for any other matters not contrary to law, and for their amendment, repeal, or alteration, but so that the requisites of subsection three of the last preceding section shall always be provided for.

(2) Copies of all amendments or alterations of any rules shall, after being verified by the secretary or some other officer of the society, be sent to the registrar, who shall record the same.

(3) A printed copy of the rules of the society shall be delivered by the society to any person requiring the same on payment of a sum not exceeding one shilling [24 cents].

Notwithstanding anything to the contrary contained in section three of the principal act, it is hereby enacted as follows: Where a copartnership firm is a member of any such society, each individual partner residing in New Zealand shall be deemed an individual member of the society, and also of the industrial union when such society is registered as a union, any incorporated or registered company may be registered as an industrial union of employers.[1]

Each industrial union shall be deemed to be in the industrial district wherein its registered office is situate, and shall exercise its right of voting at the election of the board of that district accordingly, or in any industrial district in which such industrial union shall carry on its business, or any branch or part of its business, and for such purpose any such union may be also registered in any or every of such industrial district or districts.[2]

In the case of any incorporated or registered company the directors shall sufficiently represent the members for the purpose of the application to register as an industrial union of employers, and the resolution prescribed by subsection one of section three of the principal act may accordingly be a resolution of the directors.[3]

5. On being satisfied that the provisions of section three in relation to an application for registration have been complied with, the registrar shall register the society, without fee, as an industrial union pursuant to the application, and shall issue a certificate of registry and incorporation, which, unless proved to have been canceled, shall be conclusive evidence of the fact of such registration and incorporation, and of the validity thereof.

6. Upon receiving such certificate every such industrial union shall become a body corporate, by the registered name, having perpetual succession until dissolved or the registration thereof is canceled as hereinafter provided, and shall have a common seal. There shall be inserted in the registered name of every industrial union the word "employers" or "workers" according to whether such union shall be a union of employers or workers, as thus: The Bootmakers' Industrial Union of Workers.

7. Any industrial union may purchase or take on lease, in the name of the union or of trustees for such union, any house or building and any land, and may sell, mortgage, exchange, or let the same, or any part thereof, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the union or the trustees have authority for such sale, mortgage, exchange, or letting; and the receipt of such trustees shall be a discharge for the money arising therefrom.

8. Any trade union registered under the trade union act, 1878, may be registered by the same name (with the insertion of such additional words as aforesaid) under this act by making application to the registrar for the purpose, and the registrar shall register such trade union as an industrial union accordingly, and issue a certificate of registration and incorporation as hereinbefore provided.

For the purposes of this act every branch of a trade union shall be considered as a distinct union, and may be separately registered as an industrial union under this act, and the rules for the time being of any trade union, with such addition or modification as may be necessary to give effect to this act, shall be deemed to be the rules of the industrial union when registered under this enactment: Provided that the registrar shall not refuse to register a trade union the rules of which contain such addition or modification as aforesaid, unless such rules are distinctly contrary to some express provision of this act.

9. No industrial union shall be registered under a name identical with that by which any other industrial union has been registered under this act, or by which any other trade union has been registered under the trade-union act, 1878, or so near resembling any such name as to be likely to deceive the members or the public.

10. The effect of registration shall be to render the industrial union, and all persons who may be members of any society or trade union registered as an industrial union at the time of registration, or who after such registration may become members of any society or trade union so registered, subject to the jurisdiction by this act given to a board and the court respectively, and liable to all the provisions of this act, and all such persons shall be bound by the rules of the industrial union during the continuance of the membership.

11. Any industrial union may at any time apply to the registrar in the prescribed manner for a cancellation of the registration thereof, and the registrar, after giving six weeks' public notice of his intention so to do, may cancel such registration; but no registration shall be canceled during the progress of any conciliation or arbitration affecting such union until the board or court has given its decision or made its award, nor in any case unless the registrar shall be satisfied that the cancellation is desired by a majority of the members of the union; and no cancellation of any registration shall relieve any industrial union, or any member thereof, from the obligation of any industrial agreement or award of the court.

(2) Industrial associations.

12. Any council or other body, however designated, representing any number of industrial unions established within the colony may be registered as an industrial association pursuant to this act.

All the provisions of this act hereinbefore contained in sections three to eleven, inclusive, shall,

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[1] This paragraph was inserted by the amendment act of 1895. The clause making five the minimum membership of an industrial union is not reproduced, as the change has already been noted.

[2] This paragraph was inserted by the amendment acts of 1897 and 1896, the latter amending the former by adding the part beginning with "or in any industrial district," etc.

[3] This paragraph was inserted by the amendment act of 1896.

mutatis mutandis, extend and apply to an industrial association, and shall be read and construed accordingly, so far as applicable.

(5) *General.*

13. In the months of January and July in every year there shall be forwarded to the registrar by every association a list of the unions constituting such association, and in the same months in every year there shall be forwarded to the registrar by every industrial union a list of the members of such union. Each such list shall be verified by the statutory declaration of the president or chairman of each such association and union, and such statutory declaration shall be *prima facie* evidence of the truth of the matters therein set forth. *

Each such list shall specify the names of all the officers (including trustees) of each such association or union.[1]

14. Every association or industrial union making default in forwarding to the registrar any list required to be forwarded by the last-preceding section shall be guilty of an offense against this act, punishable by a penalty not exceeding two pounds [$9.73] for every week during which such default continues, and every member of the council of any such association or committee of any such union who willfully permits such default shall be guilty of a similar offense, punishable by a penalty not exceeding five shillings [$1.22] for every week during which he willfully permits such default.

15. Every association or industrial union may sue or be sued for the purposes of this act by the name by which it is registered, and service of any process, notice, or document of any kind may be effected by delivering the same to the chairman or secretary of such union or association, or by leaving the same at the registered office of such union or association.

16. All deeds and instruments of any kind which the union or association is required to execute for the purposes of this act, or any regulations in force thereunder, may be made and executed under the seal of such union or association and signed by the chairman and secretary thereof, or in such other manner as may be provided in the rules of the union or association.

PART II

INDUSTRIAL AGREEMENTS

17. The parties to industrial agreements may be (1) trade unions, (2) industrial unions, (3) industrial associations, (4) employers, and any such agreement may provide for any matter or thing affecting any industrial matter, or in relation thereto, or for the prevention or settlement of an industrial dispute.

18. Every industrial agreement may be varied, renewed, or canceled by any subsequent industrial agreement made by and between the parties thereto, or any additional parties, but so that no person shall be deprived of the benefit of any industrial agreement to which he is a party by any subsequent industrial agreement to which he is not a party.

19. Every industrial agreement shall be for a term to be specified therein, not exceeding three years from the date of the making thereof, and shall commence as follows: "This agreement, made in pursuance of the industrial conciliation and arbitration act, 1894, this —— day of ——, between ——," and then set out the matters agreed upon, and the date of the making of such agreement shall be the date when such agreement shall be first signed or executed by any party thereto, and such date, and the names of all industrial unions, trade unions, associations, or employers, parties to such agreement, shall be truly stated therein.

20. A duplicate of every industrial agreement shall be filed in the supreme court office within thirty days of the making thereof, and a fee of five shillings [$1.22] shall be paid in respect of every agreement so filed.

21. Every industrial agreement duly made and executed shall be binding on the parties thereto and on every person who at any time during the term of such agreement is a member of any industrial union, trade union, or association party thereto, and on every employer who shall in the prescribed manner signify to the registrar of the supreme court where such agreement is filed concurrence therein, and every such employer shall be entitled to the benefit thereof, and be deemed to be a party thereto.

22. (1) For the purpose of enforcing industrial agreements, whether made before or after the coming into operation of this act, the provisions of the last-preceding section hereof [see sections 75-81] shall, *mutatis mutandis*, apply in like manner in all respects as if an industrial agreement were an award of the court, and the court shall accordingly have full and exclusive jurisdiction to deal therewith.[2]

(2) Any industrial agreement may fix and determine what shall constitute a breach of an agreement within the meaning of this act.

(3) Nothing herein contained shall deprive any person who may be damnified of his right of action for redress or compensation in respect of any breach of an agreement.

23. [Repealed by the amendment act of 1898. See footnote to section 22.]

PART III.

CONCILIATION AND ARBITRATION.

(1) *Preliminary.*

24. (1) The governor may from time to time divide New Zealand, or any portion thereof, into such districts as he shall think fit, to be called "industrial districts," and notice of the constitution of every such district shall be given in the Gazette as occasion requires.

(2) If any such district is constituted by reference to, or be included within, the limits or boundaries of any other portion of the colony defined or created under any act, then, in case of the alteration of the boundaries of such portion of the colony, such alteration shall take effect in respect of the district constituted under this section without any further proceeding, unless the governor shall otherwise determine.

25. In and for every industrial district the governor shall appoint a clerk of awards (hereinafter referred to as "the clerk"), who shall be attached to the office of the registrar, and shall be subject

[1] This paragraph was inserted by the amendment act of 1895.

[2] The provisions of this paragraph are in substitution of the provisions of subsection (1) of section 22, and of section 23, of the principal act, according to the amendment act of 1898.

to the control and direction of that officer, and shall in the prescribed manner report to the registrar all proceedings taken or done by or before him.

The office of clerk may be held either separately or in conjunction with any other office in the public service, as the governor may determine, and he shall be paid such salary or other remuneration as the governor thinks fit.

26. It shall be the duty of the clerk—

(1) To receive, register, and deal with all applications within his district lodged for reference of any industrial dispute to the board for the district, or to the court;

(2) To convene the board or court for the purpose of dealing with any such dispute;

(3) To keep a register in which shall be entered the particulars of all references and settlements of industrial disputes made to and by the board, and of all references and awards made to and by the court;

(4) To issue all summonses to witnesses to give evidence before the board or court, and to issue all notices and perform all other acts in connection with the sittings of the board or court in the prescribed manner; and

(5) Generally to do all such things and to take all such proceedings as may be required in the performance of his duties by this act or in the prescribed manner, or, in the absence of regulations, with the directions of the registrar.

27. Any board and the court, and, being authorized in writing by the board or court, any member of such board or court respectively, or any officer of such board or court, without any other warrant than this act, at any time between sunrise and sunset—

(1) May enter upon any manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises of any kind whatsoever, wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place, which has been made the subject of a reference to such board or court;

(2) May inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever being in such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises as aforesaid;

(3) May interrogate any person or persons who may be in or upon any such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises, as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned

And any person who shall hinder or obstruct the board or court, or any member or officer thereof, respectively, in the exercise of any power conferred by this section, or who shall refuse to the board or court, or any member or officer thereof, respectively, duly authorized as aforesaid, entrance during any such time as aforesaid to any such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises, or shall refuse to answer any question put to him as aforesaid, shall for every such offense be liable to a penalty not exceeding £50 [$243.33].

28. The following persons shall be disqualified from being appointed or elected or from holding office as chairman or as a member of any board, or as president or a member of the court, and if so elected or appointed shall be incapable of continuing to be such member, president, or chairman.

(1) A bankrupt who has not obtained his final order of discharge,

(2) Any person convicted of any crime for which the punishment is death or imprisonment with hard labor for a term of 3 years or upward, or

(3) Any person of unsound mind

No person whilst holding a seat on one board shall hereafter be eligible for nomination or election to a seat on any other board, and if he is so elected his election shall be void.[1]

If any person allows himself to be nominated for election as member of more boards than one, both nominations shall be void.[1]

In the event of any person's election becoming void under this section the governor shall fill the vacancy by appointment, in the same manner as if the prescribed number of members had not been elected, anything in section 36 of the principal act to the contrary notwithstanding.[1]

This section shall apply both to boards of conciliation and to special boards of conciliators inter se, but shall not otherwise affect the operation of section 11 of the principal act, nor shall it in any way affect any election held before the coming into operation of this act.[1]

29. Whenever an industrial dispute shall be referred to a board or court as hereinafter provided, no industrial union or association, trade union, or society, whether of employers or workers, and no employer who may be a party to the proceedings before the board or court shall, on account of such industrial dispute, do any act or thing in the nature of a strike or lockout, or suspend or discontinue employment or work in any industry affected by such proceedings, but each party shall continue to employ or be employed, as the case may be, until the board or court shall have come to a final decision in accordance with this act. But nothing herein shall be deemed to prevent any suspension or discontinuance of any industry, or from working therein, for any other good cause.

No industrial dispute shall be referred for settlement to a board by an industrial association, industrial union, or trade union, and no application shall be made to the court for the enforcement of any award, except in pursuance of a resolution passed by a majority of the members present at a meeting specially summoned by notice being posted to each member, stating the nature of the proposal to be submitted to the meeting.[2]

(2) Boards of conciliation.

30. In and for every industrial district there shall be established a board of conciliation, to have jurisdiction for the settlement of industrial disputes occurring in such district which may be referred to it by one or more of the parties to an industrial dispute or by industrial agreement.

31. The governor may determine the number of persons who (together with the chairman) shall compose the board of such district, subject, however, to the express provisions of this act, and such number shall be stated in the notice of the constitution of the district.

32. With respect to the first and subsequent elections of boards, the following provisions shall have effect:

(1) Every board shall consist of such equal number of persons as the governor may determine, being not more than six nor less than four persons, who shall be chosen by the industrial unions of employers and of workers in the industrial district respectively, such unions voting separately and electing an equal number of such members.

(2) The chairman of such board shall be in addition to the number of members before mentioned, and be elected as hereinafter provided.

(3) Every board shall be elected in the following manner:

(a) The clerk shall act as returning officer, and do the acts and things hereinafter mentioned.

(b) First elections of a board shall be held within 30 days after the constitution of the district, and

[1] This paragraph was inserted by the amendment act of 1896.

[2] This paragraph was inserted by the amendment act of 1898.

the returning officer shall give 14 days' notice in one or more newspapers circulating in the district of the day and place of election, which shall be so arranged that the industrial unions of employers shall vote at one time and the industrial unions of workers at another time on the day fixed: Provided that the governor may from time to time extend the period within which any elections shall be held for such time as he thinks fit

(c) Persons shall be nominated for election in such manner as the rules of the industrial union may prescribe, or, if there be no such rule, nominations shall be made in writing by the chairman of the union, and lodged with the returning officer at least 3 days before the date of election. Each nomination shall be accompanied by the written consent of the person nominated, and forms of nomination shall be provided by the returning officer on application to him for that purpose.

(d) When all the nominations have been received the returning officer shall give notice of the names of persons nominated by affixing a list thereof on the door of his office at least one clear day before the day of election

(e) If it shall appear that no greater number of persons are nominated than require to be elected, the returning officer shall at once declare such persons elected

If the number of persons so nominated exceeds the number required to be elected, then votes shall be taken as hereinafter provided

(f) The returning officer shall preside at the election by each division of industrial unions entitled to vote, and the vote of each such union shall be signified in writing in the prescribed manner, and on being tendered by the chairman of the union or by some person appointed by the union for that purpose in accordance with its rules, the returning officer shall record the vote in such manner as he thinks fit

(g) Each industrial union shall have as many votes as there are persons to be elected by its division, and the persons having the highest aggregate number of votes in such division, not exceeding the number to be elected, shall be deemed elected.

(h) If it shall happen that two or more candidates have an equal number of votes the returning officer, in order to complete the election, shall give such votes to one or more of such candidates as he thinks fit Provided that any candidate may in any such case agree to withdraw from the election

(i) As soon as possible after the votes of each division of industrial unions have been recorded the returning officer shall ascertain what persons have been elected, as before provided, and shall state the result in writing, and forthwith post the same in some public place at the place of election.

(j) In case of any dispute touching the sufficiency of the nomination, the mode of election, or the result thereof, or any matter incidentally arising in or in respect of such election, the same shall be decided by the returning officer, whose decision shall be final

(k) In case any election is not completed for any cause on the day appointed the returning officer may adjourn the election, or the completion thereof, to the next or any subsequent day, and may then proceed with the election

(l) The whole of the voting papers shall be securely kept by the returning officer during the election, and thereafter shall be put in a packet and kept for 1 month, when he shall cause the whole of them to be effectually destroyed

(m) Neither the returning officer nor any person employed by him shall (except in discharge of his duty) disclose for whom any vote has been given or tendered, either before or after the election is completed, or return possession of or exhibit any voting paper used at the election, or give any information to any person as to all or any of the matters herein mentioned, and if any person shall commit a breach of this provision he shall be liable to a penalty not exceeding twenty pounds ($97.33).

But nothing herein contained shall be deemed to forbid the disclosure of any fact or the doing of any act hereby prohibited if the same be required in obedience to the process of any court of law.

(4) The clerk shall, after the completion of the election, appoint a day for the first meeting of the members elected, and shall give at least 3 days' notice in writing to each member At such meeting the members shall elect some impartial person, not being one of them number and willing to act, to be chairman of the board

33. As soon as may be after the election of the chairman the clerk shall transmit to the governor a list of the names of the respective persons elected as members and as chairman of the board, and the governor shall cause notice thereof to be published in the Gazette, and the date on which such notice is so published shall be deemed to be the date of election, and such notice shall be final and conclusive for all purposes.

34. The members of the board and the chairman shall hold office for the period of 3 years from the date of the publication of such notice in the Gazette, and until their successors are elected.

35. On the expiration of every third year after the first election of members of a board or a chairman thereof a new election shall be held, on such day as the governor may appoint, and new members and a chairman shall be elected in the manner hereinbefore provided in respect of first elections. Any retiring member or chairman shall be eligible for reelection, and all proceedings in and about such new election may be had and taken accordingly.

36. If the chairman or any member of a board shall die, resign, or be disqualified or incapable to act his office shall be vacant, and the vacancy shall be supplied in the same manner as the original election was made, and the person so elected shall hold office in the board only for the residue of the term of his predecessor therein. Members shall resign office by letter addressed to the chairman, and the chairman by letter to the board

37. Upon any casual vacancy being reported to the clerk in the office of a member of a board he shall take all such proceedings as may be necessary to have an election by the class of industrial union entitled to vote in the election of such member, and the provisions as to general elections shall apply accordingly as far as applicable In the case of a casual vacancy in the office of chairman the board shall meet on such day and time as they may appoint and elect a chairman to supply such vacancy.

38. (1) The presence of the chairman and of not less than one-half in number of the other members of a board shall be necessary to constitute a quorum.

(2) But in case of the illness or absence of a chairman the members may elect one of their own number to be chairman during such illness or absence.

(3) In all matters coming before any board the decision of the board shall be determined by a majority of the votes of the members present, exclusive of the chairman, except in the case of an equality of such votes, in which case only the chairman shall vote, and his vote shall decide the question.

39. If at any time the industrial unions entitled to vote shall neglect or refuse to vote at the election of a member of the board, whether in respect of a general election or a casual vacancy, or if the members of a board shall neglect or refuse to elect a chairman, the governor may in any such case appoint such fitting persons as members of the board or as chairman as may be necessary in any case to give effect to this act.

If and as often as for any reason the prescribed number of members of the board is not duly elected, or the prescribed number of members of the court is not duly recommended, as provided

by the principal act, the governor shall, by notice in the Gazette, appoint as many fit persons to be members of the board or court as may be necessary in order to make the prescribed number. The Gazette notice of such appointment shall be conclusive evidence of the happening of the events entitling the governor to make such appointment.[1]

Every person appointed by the governor to be member or chairman of a board shall be deemed to be elected within the meaning and for the purposes of section 33 of the principal act.[2]

This section shall take effect as from the date of the coming into force of the principal act.[2]

40. (1) No act of a board shall be questioned on the ground of any informality in the election of a member, nor on the ground that the seat of any member is vacant, or that any supposed member thereof is incapable of being a member.

(2) In the event of the period of office of any board expiring whilst such board is engaged in the investigation of any industrial dispute the governor may, by notice in the Gazette, continue such board in office for any time not exceeding one month, in order to enable its members to take part in the settlement of such dispute, and on the expiration of such month an election of a new board shall be held in the manner hereinbefore provided.

41. (1) Notwithstanding the election of a board under the provisions hereinbefore contained, or where no district shall have been constituted, a special board of conciliators may be appointed from time to time to meet any case of emergency or any special case of industrial dispute. Such board shall consist of an equal number of persons not exceeding six, all or any of whom may be members of the board of the district, and shall be chosen separately in equal numbers by employers and industrial unions of employers directly interested in such dispute and by industrial unions of workers so interested.

(2) The members of any such special board, together with a chairman, to be elected as provided in section 32, shall, except in respect of the duration of their office, be deemed to possess all the jurisdiction and powers of a board elected for an industrial district.

42. Any industrial dispute may be referred for settlement to a board either by or pursuant to an industrial agreement, or in the manner hereinafter provided.

(1) Any party to such a dispute may, in the prescribed manner, lodge an application with the clerk requesting that such dispute be referred for settlement to a board.

(2) The parties to such dispute may comprise—

(a) An individual employer, or several employers, and an industrial union, trade union, or association of workers.

(b) An industrial union, trade union, or association of employers, or an individual employer, or several employers, and an industrial union, trade union, or association of workers, or several such unions or associations.

But the mention of the various kinds of parties shall not be deemed to interfere with any arrangement thereof that may be necessary to insure an industrial dispute being brought in a complete shape before the board; and a party or parties may be withdrawn or removed from the proceedings and another or others substituted after the reference to the board and before any report is made, as the board shall allow or think best adapted for the purpose of giving effect to this act, and the board may make any recommendation or give any direction for any such purpose accordingly.

(3) An employer being a party to a reference, may appear in person, or by his agent duly appointed in writing for that purpose, or by counsel or solicitor where allowed as hereinafter provided.

(4) An association, trade union, or industrial union, being party to a reference, may appear by its chairman or secretary, or by any number of persons (not exceeding three) appointed in writing by the chairman of the association or union for that purpose, or by counsel or solicitor where allowed as hereinafter provided.

(5) Every party appearing by a representative or representatives shall be bound by his or their acts.

(6) The clerk on receipt of any application for a reference to a board shall forthwith lay the same before the board mentioned in such application at a meeting of such board to be convened by him in the prescribed manner, and, subject to the provisions of this act, shall carry out all directions of the board in order to effect a settlement of the industrial dispute referred to it.

(7) No counsel or solicitor shall be allowed to appear or be heard before a board, or any committee thereof, unless all the parties to the reference, or interested in the matter referred to a committee, shall expressly consent thereto.

When any industrial dispute has been referred for settlement to a board or the court, any employer, association, trade union, or industrial union may, on application if the board or the court deem it equitable, be joined as party thereto at any stage of the proceedings, and on such terms as the board or the court deems equitable.[2]

43. Every board shall, in such manner as it shall think fit, carefully and expeditiously inquire into and investigate any industrial dispute of which it shall have cognizance, and all matters affecting the merits of such dispute or the right settlement thereof, and, for the purposes of any such inquiry, shall have all the powers of summoning witnesses, and hearing and receiving evidence and preserving order at any inquiry, which are by this act conferred on the court of arbitration.

Whenever an industrial dispute involving technical questions is referred to a board or the court for settlement two experts may be nominated, one by each party to the dispute; and such experts shall sit as assessors with and be deemed to be members of the board or court for the purposes of such dispute.[1]

If there are more than two parties to any such dispute one assessor shall be nominated by the parties whose interests are with the employers, and the other by the parties whose interests are with the workers.[1]

The assessors shall be nominated in the prescribed manner and subject to the prescribed conditions.[1]

Where an industrial dispute relates to employment or wages, the jurisdiction of the board or court to deal therewith shall not be voided or affected by the fact that the relationship of employer and employed has ceased to exist, unless it so ceased at least 6 weeks before the industrial dispute was first referred to the board or to the court, if there has been no prior reference to the board.[1]

44. In the course of any such inquiry and investigation the board shall make all such suggestions and do all such things as shall appear to them as right and proper to be made or done for securing a fair and amicable settlement of the industrial dispute between the parties, and may adjourn the proceedings for any period the board thinks reasonable, to allow the parties to agree upon some terms of settlement, and if no such settlement shall be arrived at shall decide the question according to the merits and substantial justice of the case, and make their report or recommendation in writing, under the hand of the chairman of the board, which shall be delivered to and filed by the

[1] This paragraph was inserted by the amendment act of 1895.
[2] This paragraph was inserted by the amendment act of 1896.

clerk in his own office with all papers and proceedings relating to the reference. Such report shall be delivered as aforesaid within 2 months of the day on which the application was lodged with the clerk.

45. In particular, but without limiting the general power given to a board by the last preceding section, any board may—

(1) Refer the matters in dispute, upon such terms as the board thinks fit, to a committee of their number, consisting of an equal number of representatives of employers and workers, who shall endeavor to reconcile the parties: or,

(2) Refer any matter before them to be settled by the court.

46. If the board shall report that they have been unable to bring about any settlement or any dispute referred to them satisfactory to the parties thereto, the clerk on the receipt of such report shall transmit a copy (certified by him) of such report to each party to the industrial dispute, whereupon any such party may in the manner prescribed require the clerk to refer the said dispute to the court. The clerk shall thereupon transmit all the papers and proceedings in the reference to the court.

(3) *The court of arbitration.*

47. There shall be one court of arbitration for the whole colony for the settlement of industrial disputes pursuant to this act. The court shall have a seal which shall be judicially noticed, and impressions thereof admitted in evidence in all courts of judicature, and for all purposes.

48. (1) The court shall consist of three members to be appointed by the governor, one to be so appointed on the recommendation of the councils or a majority of the councils of the industrial associations of workers in the colony, and one to be so appointed on the recommendation of the councils or a majority of the councils of the industrial associations of employers of the colony. Provided, That if there shall be no industrial associations of employers, then, in their stead, such recommendation as aforesaid shall be made by the industrial unions of employers.

No recommendation shall be made as to the third member, who shall be a judge of the supreme court, and shall be appointed from time to time by the governor, and shall be president of the court, and in case of the illness or unavoidable absence of such judge at any time the governor may appoint some fit person, being a supreme court judge, to be and act as president, who shall hold office only during the illness or unavoidable absence of such judge

(2) The procedure for the purpose of giving effect to this section shall be as follows:

(a) Each such council respectively shall, within 1 month after being requested so to do by the governor, submit the name of one person to the governor, and from the names of the persons so recommended the governor shall select two members, one from each set recommended, and appoint them to be members of the court

In the event of a majority of the councils not having made recommendations as aforesaid, or in case such majority of recommendations shall not be received by the governor within the period of 1 month after each council has been requested to submit a name as aforesaid, or in case any person so recommended shall decline to act as a member of the court, the governor shall forthwith appoint such person as he shall think fit to be a member of the court, and such member shall be deemed to be appointed on the recommendation of the said councils, as the case may be.

(b) For the purposes of this section the expression "council" means the governing authority of the association or industrial union entitled to vote, by whatever name such authority shall be designated

(c) As soon as practicable after a full court shall have been appointed by the governor the names of the members of the court shall be notified in the Gazette.

49. (1) Every member of the court shall hold office for 3 years from the date of his appointment and shall be eligible for reappointment, and any casual vacancy occurring in the membership by death, disqualification, resignation, or removal shall be supplied in the same manner as the original appointment was made, but every person so appointed to fill a casual vacancy shall hold office only for the period that his predecessor would have held office.

(2) The governor may remove any member of the court from office who shall become bankrupt, who may be convicted of any crime the punishment of which is death or imprisonment with hard labor for a term of 3 years or upward, who may become of unsound mind, or who shall be absent from three consecutive sittings of the court

50. Before proceeding to consider any case the members, other than the presiding judge, of the court and the officers thereof shall respectively make a statutory declaration that any evidence produced before them shall not be disclosed to any one except as provided by this act.

The statutory declaration prescribed by section 50 of the principal act need be taken only once, and, in the case of each member by whom it is or has been taken, it shall be deemed to apply to all evidence produced before him during his term of office.[1]

51. The governor may also from time to time appoint and remove such clerks and other officers of the court as shall be necessary, who shall hold office during pleasure and receive such salary or other remuneration as the governor thinks fit

52. The court shall have jurisdiction for the settlement and determination of any industrial dispute referred to it by any board pursuant to sections 45 or 46, or by reference under section 82, or by petition under section 83, or by industrial agreement, or by either party to an industrial dispute which has arisen in a district where no board has been constituted, and for such purpose may summon any party to an industrial dispute to appear before it.

53. Either party to the dispute may appear personally or by agent, or, with the consent of all the parties, by counsel or solicitor, and may produce before the court such witnesses, books, and documents as such party may think proper; and the court shall have power to permit any other party who has or may appear to have a common interest in the matter and be willing to be joined in the proceedings to be so joined on such terms as it thinks fit.

The court shall have full and exclusive jurisdiction to hear and receive evidence, on oath or otherwise, as may be allowed by law, and to hear and determine the matters in dispute in such manner as it thinks fit, and shall be at liberty to receive any such evidence as it may think fit, whether it shall be strictly legal evidence or not, with full power to adjourn the consideration of any matter, wholly or in part, for any period, or without stating any period.

Formal matters which have been proved or admitted before a board need not be again proved or admitted before the court.

54. The sittings of the court shall be held at such time and place as are from time to time fixed by the president. The sittings may be fixed either for a particular case or generally for all cases then before the court and ripe for hearing, and it shall be the duty of the clerk to give to each member of the court at least 48 hours' previous notice of the time and place of each sitting.[2]

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[1] This paragraph was inserted by the amendment act of 1898.

[2] This paragraph was inserted by the amendment act of 1898, in substitution for section 54 of the principal act repealed.

55. The parties to the proceedings before the court shall be those before the board, and the provisions hereinbefore contained as to the appearance of parties before a board shall apply to proceedings before the court.

At least three days' notice shall be given to each party to the proceedings of the time and place appointed for the meeting of the court, except where a party is added to the proceedings on his own application or with his own consent.

56. The clerk may, at the request of either party, issue a summons in the prescribed manner to any person to appear and give evidence in any manner before the court, and to produce any books, deeds, papers, or writings relating to such matter and in his possession or under his control. Such books, deeds, papers, and writings may be inspected by the members of the court for the purposes of this act; but the information obtained therefrom shall not in any form be made public. And any person upon whom any such summons shall have been served, and to whom at the same time payment or a tender of his traveling expenses on the scale hereinafter mentioned shall have been made, and who shall neglect or refuse without sufficient cause to appear or to produce any books, deeds, papers, or writings required by such summons to be produced, shall be liable to a penalty not exceeding twenty pounds [$97.33] or, in default of payment, to be imprisoned for a term not exceeding one month; but the payment of such fine or the undergoing of such imprisonment shall not exempt any person from liability to an action for disobeying such summons.

57. Where it is shown to the satisfaction of the court that certain parts of books or documents to be produced in evidence do not relate to the matter before the court, the party producing the same shall be allowed to seal up such parts

58. Every person who shall be summoned and shall appear as a witness shall be entitled to an allowance or compensation for expenses and loss of time according to the scale for the time being in force and allowed to witnesses in civil suits under the magistrates' courts act, 1893.

59. Any member of the court, or the clerk, shall have power to administer oaths or affirmations to all witnesses who shall appear before the court, and all willful false swearing or false affirmation in any proceedings in the court under this act shall be deemed and held to be willful perjury, and shall be indictable and punishable as such, and on any indictment it shall be sufficient to prove that the oath or affirmation was administered by such member or clerk aforesaid.

60. For the purpose of obtaining the evidence of witnesses at a distance, the court shall be deemed to have and may exercise all the powers and duties of a stipendiary magistrate under the magistrates' courts act, 1893, and the provisions of the said act, *mutatis mutandis*, shall be applicable to all proceedings in the court under this act to the same extent as if the court were a magistrate's court; and every stipendiary magistrate, and every magistrate's court, and every clerk of such court shall for the purposes aforesaid have and may exercise all such duties and powers in respect of any matter or thing arising under this act as such stipendiary magistrate, or magistrate's court, or clerk respectively could do or be required to do under the magistrates' courts act, 1893.

61. The court may sit and conduct its proceedings in open court, and a majority of the members present may decide and finally determine any matters referred to them in such manner as they shall find to stand with equity and good conscience.

62. If either of the members other than the president shall neglect or fail to attend a sitting of the court without good cause shown to the satisfaction of the president, the other member present and the president may, nevertheless, act as fully as if all the members were present.

63. The court may be adjourned from time to time and from place to place in manner following, that is to say: (1) By the court or the president at any sitting thereof, or, if the president is absent from such sitting, then by any other member present, or, if no member is present, then by the clerk; and (2) by the president at any time before the time fixed for the sitting, and in such case the clerk shall notify the members of the court and all parties concerned [1]

The powers by the last preceding section [sections 54 and 63] hereof conferred upon the president in the case of the court shall, in the case of the board, be exercisable by the chairman thereof.[2]

The board or the court, at any stage of the proceedings before it, and either of its own motion or at the request of any of the parties, may direct that the proceedings be conducted in private, and if such case all persons other than the parties, their representatives, and any witness under examination shall withdraw [2]

64. If any person shall willfully insult any member of the court or the clerk during the sitting of the court, or shall willfully interrupt the proceedings of the court, or be guilty in any other manner of any willful contempt in the face of the court, it shall be lawful for any officer of the court, with or without the assistance of any other person, to take such offender into custody and remove him from the court, to be detained in custody until the rising of the court, and the person so offending shall be liable to a penalty not exceeding ten pounds [$48.67] for such offense, to be recovered in a summary way as hereinafter provided

65. If any party to proceedings before the court shall, after notice given to such party, fail to attend or be represented before the court, without good cause shown to such court, the court may proceed and act as fully in the matter before it as if such party had duly attended or been represented. Any person who is a party to any such proceedings may be required to give evidence before the court in the manner hereinbefore provided with respect to a witness.

66. The court may refer any matters referred to it from time to time to a board for investigation and report where it shall think such board may arrive more easily at a settlement thereof, and the award of the court shall be based on the report of such board.

67. The court may at any time dismiss any matter referred to it which it shall think frivolous or trivial, and any award in such case may be limited to an order upon the party bringing the matter before the court for payment of all costs of bringing the same.

In order to enable the court the more effectually to dispose of any matter before it according to the substantial merits and equities of the case, it may, at any stage of the proceedings, of its own motion or on the application of any of the parties, and upon such terms as it thinks fit, by order: (1) Direct parties to be joined or struck out; (2) amend or waive any error or defect in the proceedings; (3) extend the time within which anything is to be done by any party; and (4) generally give such directions as are deemed necessary or expedient in the premises.[2]

The powers by the last preceding section [paragraph] hereof conferred upon the court may, when the court is not sitting, be exercised by the president.[1]

68. The award of the court shall be made within one month after the court shall have begun to sit for the hearing of any reference, and shall be signed by the president of the court, and have the seal of the court attached thereto, and shall be deposited in the office of the clerk of the district wherein the reference arose, and be open to inspection without charge by all persons interested therein during office hours.

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[1] This paragraph was inserted by the amendment act of 1898, in substitution for section 63 of the principal act repealed.

[2] This paragraph was inserted by the amendment act of 1898.

The court in its award, or by order made on the application of any of the parties at any time during the currency of the award, may fix and determine what shall constitute a breach of the award, and what sum, not exceeding five hundred pounds [$2,433.25], shall be the maximum penalty payable by any party or person in respect of any breach: *Provided, however*, That the aggregate amount of penalties payable under or in respect of any award shall not exceed five hundred pounds [$2,433.25].[1]

It shall not be lawful for the court by any award to fix any age for the commencement or termination of apprenticeship.[1]

The court in its award, or by order made on the application of any of the parties at any time during the currency of the award, may prescribe a minimum rate of wages or other remuneration, with special provision for a lower rate being fixed in the case of any worker who is unable to earn the prescribed minimum *Provided*, That such lower rate shall in every case be fixed by such tribunal, in such manner, and subject to such provisions as are specified in that behalf in the award or order.[1]

69. (1) The court in its award may order any party to pay to the other party costs and expenses (including expenses of witnesses) as it may deem reasonable, and may apportion such cost between the parties or any of them as it thinks fit, and may at any time vary or alter any such order in such manner as it thinks reasonable; and such costs or any other costs ordered by the court to be paid may be recovered in any court of competent jurisdiction by the party entitled thereto under the award or order of the court as the debt due from the party liable therefor, but no costs shall in any case whatever be allowed on account of any agents, counsel, or solicitor appearing for any party.

(2) The court may also order that the whole or any portion of any such cost as aforesaid shall be taxed by the proper officer of the supreme court, and such officer shall have in, about, and in relation to such taxation all such power, duty, and authority as he would have in any case within the ordinary jurisdiction of the supreme court in respect of taxation of costs.

In every case where the court in its award or other order directs the payment of costs or expenses it shall fix the amount thereof, and specify the same in the award or order. Section 69 of the principal act is hereby modified in so far as it is in conflict with this section, but not further or otherwise.[1]

70. The award shall be framed in such manner as shall best express the decision of the court, avoiding all technicality where possible, but shall state in clear terms what is or is not to be done or performed by each party or person affected by the decision, and may provide for an alternative course to be taken by any party to the proceedings, or by any person affected thereby; but no award shall be void or vitiated in any way because of any informality or want of form, or any noncompliance with the provisions of this act.

71. In all legal and other proceedings it shall be sufficient to produce the award with the seal of court thereto, and it shall not be necessary to prove any conditions precedent entitling the court to make such award.

72. Proceedings in the court shall not be impeached or held bad for want of form, nor shall the same be removable to any court by *certiorari* or otherwise, and no award or proceeding of the court shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatsoever.

73. No proceedings in the court shall abate by reason of the death of any member of the court or of any party to such proceedings, but the same may be continued and disposed of by the successor in office of such member or legal personal representative of the party so dying.

(4) *Enforcement of awards*

74. Every award of the court shall specify each industrial union, trade union, association, person, or persons on which or on whom it is intended that it shall be binding, and the period, not exceeding 2 years from the making thereof, during which its provisions may be enforced, and during the period within which the provisions of such award may be enforced such award shall be binding upon every industrial union, trade union, association, or person upon which it shall be thereby declared such award shall be binding. *Provided*, That if the members of any industrial union or trade union are mentioned generally in any such award, all persons who are members at the date thereof of such award, or may thereafter become so during its subsistence, shall be included in the direction given or made by the award.

75–81.[2] For the purpose of enforcing any award or order of the court, whether made before or after the coming into operation of this act, the following provisions shall apply, anything in the principal act to the contrary notwithstanding:

(1) In so far as the award itself directs the payment of money, it shall be deemed to be an order of the court, and payment shall be enforceable accordingly under the subsequent provisions of this section relating to orders of the court.

(2) If any party or person on whom the award is binding commits any breach thereof by act or default, then, subject to the provisions of the last preceding subsection hereof, any party to the award may by application in the prescribed form apply to the court for the enforcement of the award.

(3) On the hearing of such application the court may by order either dismiss the application or impose such penalty for the breach of the award as it deems just, and in either case with or without costs.

(4) If the order imposes a penalty or costs it shall specify the parties or persons liable to pay the same, and the parties or persons to whom the same are payable:

Provided, That the amount payable by any party or person shall not exceed five hundred pounds [$2,433]:

Provided also, That the aggregate amount of penalties and costs payable under any award shall not exceed five hundred pounds [$2,433].

(5) For the purpose of enforcing payment of the amount payable under any order of the court (not being an order under section 10 hereof), a certificate in the prescribed form, under the hand of the clerk and the seal of the court, specifying the amount payable and the respective persons by and to whom the same is payable, may be filed in any court having jurisdiction to the extent of such amount, and shall thereupon, according to its tenor, operate and be enforceable in all respects as a final judgment of such court in its civil jurisdiction:

Provided, That for the purpose of enforcing satisfaction of such judgment where there are two or more judgment creditors thereunder, process may be issued separately by each judgment creditor against the property of his judgment debtor in like manner as in the case of a separate and distinct judgment.

(6) All property belonging to the judgment debtor (including therein, in the case of an industrial union or trade union, all property held by trustees for the judgment debtor) shall be available in or towards satisfaction of the judgment debt, and if the judgment debtor is an industrial union, an

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[1] This paragraph was inserted by the amendment act of 1898.

[2] The following provisions were substituted by the amendment act of 1898, in the place of sections 75 to 81 of the principal act repealed.

industrial association, or a trade union, and its property is insufficient to fully satisfy the judgment debt, its members shall be liable for the deficiency:

Provided, That no member shall be liable for more than ten pounds [$48 67] under this subsection.

(7) For the purpose of giving full effect to the last-preceding subsection hereof the court or the president thereof may, on the application of the judgment creditor, make such order or give such directions as are deemed necessary, and the trustees, the judgment debtor, and all other persons concerned shall obey the same.

(8) The foregoing provisions of this section are in substitution of those contained in sections 75 to 81 of the principal act, and those sections are hereby accordingly repealed.

(9) Nothing in this section contained shall affect the validity of any proceedings which at the coming into operation of this act are pending for the enforcement of any award or order of the court in so far as the same relates to the payment of money, and all such proceedings may either be continued under the principal act, or be abandoned and be instituted afresh under this act; but all proceedings pending for enforcement of any award by attachment are hereby stayed, and in lieu thereof proceedings may be instituted afresh for enforcement by penalty under this section.

Provided, That the court when disposing of such fresh proceedings shall make such order as to costs as it deems just, having regard to the costs of the proceedings abandoned or stayed as aforesaid.

PART IV.

GOVERNMENT RAILWAYS.

82. The management of Government railways under the Government railways act, 1887, shall be deemed to be an industry within the meaning of this act; and notwithstanding anything contained in the first-mentioned act, the railway commissioners appointed thereunder may make an industrial agreement with the society now registered under the trade-union act, 1878, and called The Amalgamated Society of Railway Servants, and either the said commissioners or the society may refer any industrial dispute between them to the court established under this act, and the commissioners may give effect to any terms of an award made by such court.

The society may be registered as an industrial union under this act, and the commissioners shall be deemed to be employers within the meaning and for the purposes of this act.

The foregoing provisions shall apply to any reconstruction of such society in case of its dissolution, and shall extend to any similar society taking the place of such first-mentioned society and registered under this act.

83. In case the commissioners shall neglect or refuse to agree with the said society to refer any industrial dispute to the court, the society may, by petition lodged with the clerk, refer such dispute to the court to hear and determine the same, and the court, upon such petition, and if it shall consider the dispute sufficiently grave to require it, may require the commissioners to appear before the court, and to submit the matters in dispute to its decision, and to that purpose the court shall have all such jurisdiction and authority and may do all such acts and things as may be necessary for such purpose, in accordance with the preceding provisions of this act.

84. Notwithstanding anything in this act contained, no board constituted under this act shall have any jurisdiction in any matter of dispute between the commissioners and the said society.

PART V.

MISCELLANEOUS.

85. Any notification made or purporting to be made in the Gazette by or under the authority of this act may be given in evidence in all courts of justice, in all legal proceedings, and for any of the purposes of this act, by the production of a copy of the Gazette, printed by the Government printer for the time being.

86. Every instrument or document, copy or extract of an instrument or document, bearing the seal of the court shall be received in evidence without further proof, and the signature of the president of the court, or the chairman of any board, or of the registrar, or of the clerk of awards, shall be judicially noticed in or before any court or person or officer acting judicially or under any power or authority contained in this act: *Provided*, That such signature be attached to some award, order, certificate, or other official document made or purporting to be made under this act.

No proof shall be required of the handwriting or official position of any person acting in pursuance of this section.

87. The governor from time to time may make, alter, or revoke such regulations not inconsistent with this act as may be necessary or desirable to carry out all or any of the following purposes:

(1) Prescribing the forms of certificates or other instruments to be issued by the registrar, and of any certificate or other proceeding of any board or any officer thereof;

(2) Prescribing the duties of clerks of awards, and of all other officers and persons acting in the execution of this act;

(3) Providing for anything necessary to carry out the first or any subsequent election of members of boards, or on any vacancy therein, or in the office of chairman of any board, including the forms of any notice, proceeding, or instrument of any kind to be used in or in respect of any such election;

(4) Providing for the mode in which recommendations of members of the court shall be made and authenticated;

(5) Prescribing any act or thing necessary to supplement or render more effectual the provisions of this act as to the conduct of proceedings before a board or the court, or the transfer of such proceedings from one of such bodies to the other;

(6) Providing generally for any other matter or thing necessary to give effect to this act, or to meet any particular case;

(7) Prescribing what fees shall be paid in respect of any proceedings before a board or in the court, and the party by whom such fees shall be paid; and what fees shall be paid to the president or members of the court, or the chairman or members of the board,[1]

(8) For any other purpose for which it is by this act provided regulations may be prescribed.

Nothing in any such regulations shall supersede any fees for the time being in force in the supreme court, or any other court, in relation to any proceedings therein, otherwise than as is herein expressly provided.

All such regulations shall be published in the Gazette, and within 14 days after the making thereof shall be laid before both houses of the general assembly if it shall be then sitting, and, if not then

[1] The clause "or the chairman or members of the board" was added by the amendment act of 1896.

sitting, then within 14 days after the beginning of the next session of such assembly, and shall have the force of law from the date of such publication.

88. All charges and expenses connected with the administration of this act, exclusive of expenses incurred by industrial unions, trade unions, or associations under Parts I or II of this act, or of the parties and witnesses concerned in any industrial dispute referred to a board or the court, shall be defrayed out of such annual appropriations as shall from time to time be made for that purpose by the general assembly.

89. The court shall have full and exclusive jurisdiction to deal with all offenses against the principal act, and for the purpose of this section the following provisions shall apply:

(1) Proceedings to recover the penalty by the principal act imposed in respect of any such offense shall be taken in the court in a summary way under the summary provisions of the justices of the peace act, 1882, and these provisions shall, *mutatis mutandis*, apply in like manner as if the court were a court of justices exercising summary jurisdiction under that act. *Provided*, That in case of an offense under section 61 of the principal act (relating to contempt of court) the court, if it thinks fit so to do, may deal with it forthwith without the necessity of an information being taken or a summons being issued.

(2) For the purpose of enforcing any order of the court made under this section a duplicate thereof shall, by the clerk of awards, be filed in the nearest office of the magistrate's court, and shall thereupon, according to its tenor, operate and be enforced in all respects as a final judgment, conviction, or order duly made by a stipendiary magistrate under the summary provisions of the justices of the peace act, 1882.

(3) The provisions of section 73 of the principal act shall apply to all proceedings under this section.

(4) All penalties recovered under this section shall be paid into the public account and form part of the consolidated fund.

(5) The foregoing provisions of this section are in substitution of those contained in section 89 of the principal act, and that section is hereby accordingly repealed.

(6) Nothing in this section contained shall apply to the breach of any award or order of the court, or to the penalty in respect of such breach.[1]

90. No stamp duty shall be payable upon or in respect of any registration, certificate, agreement, award, or instrument effected, issued, or made under this act. But nothing herein shall apply to the fees of any court payable by means of stamps.

91. Nothing in this act shall apply to Her Majesty the Queen, or any department of her Government in New Zealand, except as herein is otherwise expressly provided.

Professor Willoughby appends the following note:

As the act is somewhat lengthy, the following brief statement of the most important provisions is given as an aid to its interpretation:

A prime feature of the law is shown by the title first given to the principal act. It was called "An act to encourage the formation of industrial unions and associations and to facilitate the settlement of industrial disputes by conciliation and arbitration." Though the first clause, relating to the encouragement of the formation of industrial unions and associations, was subsequently eliminated by the amendment of 1898, the principle remained unchanged. The difficulty of applying the principle of compulsion to individual and irresponsible workingmen was seen. The law thus, first of all, provides for the organization of industrial workers into associations or unions, and then says that the principle of compulsory arbitration can be invoked by any such organization. Workingmen who fail to organize themselves in such unions can in no way invoke the benefit of the law.

As a condition precedent the law therefore contemplates the organization of both employers and employees. In order to encourage them voluntarily to do this, special privileges are granted them, the most important of which is this right to demand an arbitration of differences. More specifically, the provisions of the act regarding this point are that any number of persons not less than 5 residing within the colony, "lawfully associated for the purpose of protecting or furthering the interests of employers or workers in or in connection with any industry in the colony, and whether formed before or after the passing of this act, may be registered as an industrial union pursuant to this act on compliance with the following provisions." These provisions relate to making known the name of the society, the names of its officers, the character of the organization, the more important of its regulations, etc. The rules or regulations must provide for certain things, such as an annual or other periodical audit of the accounts, the free inspection of books by every person having an interest in the funds, etc. Any trade union registered under the trade union act, 1878, may also register as an industrial union under this act.

Upon being registered each union becomes a body corporate, and has the power to purchase or lease lands. The fact of registration subjects such bodies to the provisions of this law regarding arbitration. A body representing a number of industrial unions may be registered as an industrial association. Twice yearly the associations must send to the registrar a list of unions composing them, and the unions must send a list of all their members. Default is punishable by a fine. These unions and associations can sue and be sued in their own name. It is not necessary that employers should form associations in order that they shall be subject to the act.

The second step in the organization of the system was the provision that industrial agreements providing "for any matter or thing affecting any industrial matter, or in relation thereto, or for the prevention or settlement of an industrial dispute," might be made between such industrial unions or associations and employers; that copies of such agreements shall be filed in the supreme court office, and that any such agreement may be enforced the same as if it were an award of a court of arbitration, as hereafter described.

Turning now to the conciliation or arbitration feature proper of the acts, the law provides for two bodies—conciliation boards and a court of arbitration. The idea of this division is that every facility should be offered parties to a dispute to settle their differences amicably, and that resort to arbitration should only be had as a last resort.

The governor is thus empowered to divide the colony into as many "industrial districts" as he thinks proper. For each such district there must be established a board of conciliation, to have jurisdiction for the settlement of industrial disputes occurring in the district that may be referred to it by one or more of the parties to an industrial dispute or by industrial agreement. Such board must consist of an equal number of persons as the governor may determine, but not more than 6 nor less than 4 persons, chosen by the industrial unions of employers and of workmen voting separately and electing an equal number of members. The methods of election are given in detail by the act. Upon organization each board must elect "some impartial person," not being one of their number and willing to act, to be chairman of the board. Special boards may be created to meet cases of emergency or any special case of industrial dispute.

The governor is further directed to appoint for each such industrial district a clerk of awards, who shall be attached to the registrar and subject to the authority of that officer. The duties of this officer are to receive all applications for the intervention of the boards of conciliation or the court of arbitration, and generally to perform the work of clerk of the court to these bodies.

An industrial dispute may be referred to such a board for settlement either pursuant to an industrial agreement, as above described, or by any party, such as an employer or industrial union or association having a standing under the law. Immediately on this being done the law provides that "no industrial union or association, trade union, or society, whether of employers or workers, and no employer who may be a party to the proceedings before the board or court shall, on account of such industrial dispute, do any act or thing in the nature of a strike or lockout, or suspend or discontinue employment or work in any industry affected by such proceedings, but each party shall continue to employ or be employed, as the case may be, until the board or court shall have come to a final decision in accordance with this act. But nothing herein shall be deemed to prevent any suspension or discontinuance of any industry, or from working therein for any other good cause."

It is the duty of the board of conciliation to examine the matters referred to it and seek in every way to bring about an adjustment of the difficulties. It is given large powers of visiting industrial establishments, examining witnesses under oath, etc. If the board is unable to bring about an agreement in any way it must decide the matter according to the facts and merits of the case as it finds them. If this decision is not satisfactory to either of the parties the dispute can then be carried to the court of arbitration.

Every effort is made in determining the methods of work of these boards to avoid expense and technicalities of procedure. The appearance of counsel or solicitor is prohibited except where it is agreed to by all parties.

The court of arbitration consists of a single body for the whole colony. It is composed of three members appointed by the governor, one of whom must be selected on the recommendation of the industrial councils or associations of workingmen, and one on the similar recommendation of employers' associations. The third member, who will act as president of the court, must be a judge of the supreme court. The term of office, as with the boards of conciliation, is 3 years, and members are reeligible.

In the hearing of disputes brought before it, this court acts in most respects as an ordinary court of law, and has most, if not all, the powers of such bodies. The procedure, however, is simplified as far as possible, and the law expressly provides that the award must not be framed in a technical manner, and that proceedings shall not be impeached for want of form.

Much the most important feature of the act relates to the manner in which the principle of compulsion is to be enforced. This principle, it will be observed, finds expression in two ways—the obligation to submit the matter to conciliation and arbitration and the obligation to abide by the decision. The first applies only when the employees are duly organized in accordance with the provisions of this act. Such an organization can at any time compel even an individual employer to submit any differences relating to their mutual labor contract to arbitration, and in the same way the employer can compel any of his employees so organized to submit to the same process. If a party duly summoned fails to appear, the court can proceed to a trial and judgment as if he were present. The court can also compel his attendance in the same way as it can witnesses.

Regarding the judgment, every award of a court must clearly specify the associations, firms, or persons upon which it is to be binding, and the period, which can not exceed 2 years, during which it can be enforced. If the members of any industrial union or trade union are mentioned generally, all persons who are members at the date of the award; or who may thereafter become members of such an organization, are included in the awards. The law then provides that the award shall be enforced through the ordinary law courts as are the judgments of those bodies. The most important feature of the system is that the awards must be in the form of money payment or be reduced to that form by providing penalties for any infraction of the award in order that they may be enforced. The amount of an award, moreover, is limited to a sum not exceeding £500 ($2,433.25). The act of 1898, however, added the following important provision granting to the court the right to fix wages:

"The court in its award, or by order made on the application of any of the parties at any time during the currency of the award, may prescribe a minimum rate of wages or other remuneration, with special provision for a lower rate being fixed in the case of any worker who is unable to earn the prescribed minimum: Provided that such lower rate shall in every case be fixed by such tribunal in such manner and subject to such provisions as are specified in that behalf in the award or order."

It is probable that the court had already exercised this power under its general powers to fix conditions of labor before it was expressly granted as above. Even here it will be noted that the award can only be enforced by imposing a money penalty for noncompliance.

For the satisfaction of an award all the property of employers or of industrial unions, including even that held by trustees, is liable, and the members of industrial unions are further more individually liable to the extent of not more than £10 ($48.67).

It is evident that the effectiveness of this system in actual practice is almost entirely dependent upon the extent to which the workingmen themselves voluntarily subject themselves to its provisions by organizing themselves into industrial unions or trade unions and registering under the provisions of the act. It would seem also that those employers who refrained from employing any persons who were members of such associations or unions would succeed in keeping their establishments beyond the jurisdiction of the act.

Opinions differ as to the working and effectiveness of this New Zealand legislation. I have talked with many persons more or less familiar with the subject, even with some members of the New Zealand government ministers who were responsible for the act. A late work by Henry D. Lloyd, who investigated the subject on the ground, gives a favorable view. On the other hand, it has been urged that while the conciliation and arbitration act of New Zealand undoubtedly prevents strikes, it also prevents enterprise; that few awards are given in the interest of the employer; that the complicated system of appeal, which is availed of in nearly all cases, makes the process intolerably long, and, most of all, the legislation is an inducement to the labor leader or agitator to find or foment complaints where no serious cause for trade disturbance exists. The manufactures of New Zealand are few and not often competitive with foreign countries, so that the system, in effect, it is said, amounts to calling all strikes successful before they are begun, and, while it undoubtedly dispenses with the expense and disorder of a strike itself, results in a state of general industrial apathy, which would be evident if the manufactures of New Zealand came into competition with those of other countries.

NEW SOUTH WALES.

The act of 1892 resembles the arbitration act of Ontario (see below), but it is supplemented by the act of April 22, 1899. The important provisions of the law are as follows:

2. Where a difference exists or is apprehended between an employer or any class of employers and his or their employees, or between different classes of employees, the minister may, if he think fit, exercise all or any of the following powers, namely:

(a) Direct inquiry into the causes and circumstances of the difference.

(b) Take such steps as to him may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon, or, in the event of their failing to agree, nominated by the minister, with a view to the amicable settlement of the difference.

(c) Failing such amicable settlement, direct a public inquiry into the causes and circumstances of the difference on the application of either party. All such public inquiries shall be conducted by a judge of the supreme or district courts, or the president of the land court.

(d) On the application of either the employers, the employees, or both, and after taking into consideration the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation.

(e) On the application of both parties to the difference appoint an arbitrator.

3. Every application shall be signed by the employer or employers or by a majority of his or their employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of.

4. If any person or persons be appointed to act as a conciliator or as a board of conciliation, he or they shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavor to bring about a settlement of the difference, and shall report his or their proceedings to the minister.

5. If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the minister.

6. The arbitration act, 1892, shall not apply to the settlement by arbitration of any difference or dispute to which this act applies, but any such arbitration proceeding shall be conducted in accordance with such of the provisions of the said act or such of the regulations made by the governor under the powers contained in the tenth section of this act, or under such other rules or regulations as may be mutually agreed upon by the parties to the difference or dispute.

7. (1) Any arbitrator or person authorized by the minister to conduct a public inquiry at his own instance or at the request in writing of either party may summon any witness or witnesses to appear and give evidence on oath or affirmation; and if any person so summoned shall not appear at the time and place specified in such summons, or give some reasonable excuse for the default, or, appearing according to such summons, shall not submit to be examined as a witness and give evidence touching the matter of the difference, provided reasonable traveling expenses have been tendered to such witness by the party or parties at whose instance the summons is issued, then any police or stipendiary magistrate (proof on oath, in the case of any person not appearing according to such summons, having been first made before such magistrate of the due service of such summons on every such person by delivering the same to him or by leaving the same at the usual place of abode of such person) may by warrant under his hand commit any such person so making default in appearing, or appearing and refusing to give evidence, to some prison or place of detention for any time not exceeding one calendar month, or until such person shall submit himself to be examined and give his evidence before such arbitrator or person authorized as aforesaid: Provided always that in case such inquiry shall be concluded before such offender shall submit to be examined and give evidence as aforesaid, then such offender may be imprisoned for the full term of such commitment, and any witness appearing before any such arbitrator or person authorized shall have the same protection and be subject to the same liabilities as a witness giving evidence in any case tried in the supreme court.

(2) Any arbitrator, or person authorized by writing under his hand, or any person authorized as aforesaid by the minister to conduct a public inquiry, may at any time enter upon any manufactory, building, workshop, factory, mine, mine workings, shed, or premises of any kind whatsoever, wherein or in respect of which any work is being or has been done or commenced, or any matter or thing is taking or has taken place which has been made the subject of a reference to such arbitrator or person authorized by the minister and inspect and view any work, material, machinery, appliances, matter, or thing whatsoever other than books or statements of account being in such manufactory, building, workshop, factory, mine, mine workings, shed, or premises. And any person who shall hinder or obstruct any such arbitrator or person authorized as aforesaid in the exercise of any power conferred on such persons by this section, or who shall refuse to such persons entrance during

any such time as aforesaid to any such manufactory, building, workshop, factory, mine, mine workings, shed, or premises, shall for every such offense incur a penalty not exceeding £50 [$243.33], to be recovered in a summary way before any stipendiary or police magistrate.

8. Any person attending on summons otherwise than at the request of either party shall be paid reasonable traveling expenses, and a notice to that effect shall be served upon him, and any person summoned as a witness who has received such notice and fails to attend shall be liable under section 7, although no expenses have been tendered to him. In addition to such expenses the ministry may make any person attending on summons, whether at the request of either party or not, any allowance, whether for loss of time or otherwise, to which the arbitrator or person authorized by the minister to conduct a public inquiry may consider him justly entitled.

9. All expenses connected with the administration of this act, not expressly provided for, including the reasonable expenses of and allowances to persons attending on summons otherwise than at the instance of a party or both parties, and the remuneration of any persons appointed to carry out the provisions of this act shall be paid out of such annual appropriations as parliament shall make for that purpose.

10. The governor may make regulations for the purpose of giving effect to any of the provisions or requirements of the act; and all such regulations, not being inconsistent with this act, shall have the full effect of law on publication in the Gazette.

(See Vol. VI, U. S. Labor Bulletin, pages 247 and 248.)

SOUTH AUSTRALIA.

In South Australia the conciliation and arbitration act of 1894 follows in general the act of New Zealand, which see above. The application of the law is restricted to members of industrial unions registered as such with the industrial registrar, who is appointed by the governor. The law provides that no award shall affect any person who has not submitted to the jurisdiction of the board of conciliation making the same, either by being a member of any organization or by registration as a voter of the local board of conciliation or by the execution of an industrial agreement.

Any number of persons may upon a two-thirds vote apply for registration as a union, either as employers or employees, and thereupon the union and the members of the union are bound by this act and the members also by the rules of the union itself and by all industrial agreements, or awards made by it or affecting it at any time during membership.

A number of unions may register as an industrial association, and both unions and associations are empowered to enter into formal contracts with the parties and to be parties to conciliation proceedings. Such industrial agreements must be for a specified time not exceeding 3 years. There are two classes of conciliation boards—private boards and public boards. Private boards are created by industrial agreements and for such jurisdiction as is confided to them. Local boards are created for particular localities or particular industries, and require the assent of one-half of the employers or employees within the locality. The state board consists of 7 members appointed by the governor, 3 recommended by organizations representative of employers and 3 by organizations representative of employees, the seventh member being the president, who holds office for 5 years and is reeligible, but can be removed upon addresses by both houses of parliament. The other members hold office 2 years. The chief duties of the public boards, local or state, are to inquire into any industrial dispute, make suggestions, and, if no amicable settlement is arrived at, decide the case by award according to the merits and substantial justice of the

case, having full powers for compelling the attendance and examination of witnesses. Then follows a provision for what is called compulsory conciliation by which upon certification by the president of the state board the governor proclaims that any industrial dispute shall be referred to it. There is the same machinery for making reports by the state board.

The awards of conciliation courts are enforced as follows:

Every award shall specify the organizations and persons on which it is intended that it shall be binding, and the period not exceeding 2 years from the making thereof, during which its provisions may be enforced.

Unless otherwise expressed therein, the award of every local board of conciliation and of the state board of conciliation in the matter of any dispute referred to the state board from a local board by the president, pursuant to section 51, shall be binding during the period thereof on all employers and employees in the particular locality and industry for which the local board is constituted, and whose names are entered as voters on the electoral roll of the local board at the time of the making of the award.

A duplicate of every award shall be filed in the office of the registrar, and of every organization affected, and thereafter during the period during which its provisions may be enforced it shall be binding upon all organizations and persons upon which it shall be declared that it shall be binding and upon all members of such organizations.

The registrar, at the instance of any organization or person interested, shall do all things necessary for enforcing any award against any organization or person bound thereby.

Every court of the Province and every officer thereof shall act in aid of the registrar in enforcing compliance of the award as fully and effectually, and to all intents and purposes as if such award were a decree, order, or judgment of every such court duly made and given, and such award shall be deemed to be a decree, order, or judgment of every such court, and the process of every such court as shall be required by the registrar shall be issued and executed for enforcing such compliance in like manner as upon the decree, order, or judgment of such court.

Unless otherwise ordered by the award, no process shall be issued for the enforcement of any award by a payment from any organization or person of a greater sum than £1,000 [$4,866.50], or from any individual, on account of his membership of an organization, of any greater sum than £10 [$48.67].

For the purpose of enforcing compliance with any award, process may be issued and executed against the property of any organization, or in which any organization shall have any beneficial interest, and whether vested in trustees or howsoever otherwise the same may be held, in the same manner as if such organization was an incorporated company and the absolute owner of such property or interest.

No fees of court shall be charged for the issue or execution of any process for compelling compliance with any award.

All moneys which shall be received by virtue of any process for enforcing compliance with any award shall be applied in such manner as the award may direct, and, in default of or subject to any such direction, in such manner as the registrar may decide, for the benefit of those interested in the performance of the award.

Any person willfully making default in compliance with any award, unless such award shall otherwise direct, shall be guilty of an offense against this act, punishable on summary conviction by a fine not exceeding £20 [$97.33] or by imprisonment, with or without hard labor, for any term not exceeding 3 calendar months.

All provisions hereinbefore in this part of this act contained with reference to the enforcement of awards shall apply to the enforcement of industrial agreements (unless herein negatived or limited) in like manner as if agreements had been mentioned in such provisions whenever awards are referred to.

In order still further to strengthen the powers of the boards of conciliation, the law contains the following provisions regarding persons resorting to a strike or lockout when the matter in dispute is within the jurisdiction of a board of conciliation:

If any organization of employers or any member thereof shall counsel, take part in, support, or assist directly or indirectly any lockout on account of any industrial dispute for the settlement of which any board of conciliation shall have jurisdiction, such organization or member shall be guilty of an offense against this act, punishable by a fine in the case of an organization not exceeding £500 [$2,433.25] or in the case of an individual not exceeding £20 [$97.33].

If any organization of employees or any member thereof shall counsel, take part in, support, or assist directly or indirectly any strike on account of any industrial dispute for the settlement of which any board of conciliation shall have jurisdiction, such organization or member shall be guilty of an offense against this act, punishable as mentioned in the preceding section. (U. S. Labor Bulletin, Vol. VI., pp. 256–258.)

CANADA.

The Dominion act of July 18, 1900, called the conciliation act of 1900, provides for the settlement of industrial disputes by arbitration, and also for the creation of the usual department of labor. It provides generally that any board established, either before or after the passage of the act, for the purpose of settling disputes between employers and workingmen by conciliation or arbitration, or any association or body authorized by written agreement between them to deal with such disputes that is, any conciliation board may apply to the minister for registration under the act.

2. The application must be accompanied by copies of the constitution, by-laws, and regulations of the conciliation board, with such other information as the minister may reasonably require.

3. The minister shall keep a register of conciliation boards, and enter therein with respect to each registered board its name and principal office, and such other particulars as he thinks expedient; and any registered conciliation board shall be entitled to have its name removed from the register on sending to the minister a written application to that effect.

4. Every registered conciliation board shall furnish such returns, reports of its proceedings, and other documents as the minister may reasonably require.

5. The minister may, on being satisfied that a registered conciliation board has ceased to exist or to act, remove its name from the register.

4. Where a difference exists or is apprehended between an employer or any class of employers and workmen, or between different classes of workmen, the minister may, if he thinks fit, exercise all or any of the following powers, namely: (a) Inquire into the causes and circumstances of the difference; (b) take such steps as to him seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon or nominated by him or by some other person or body, with a view to the amicable settlement of the difference; (c) on the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation; (d) on the application of both parties to the difference, appoint an arbitrator or arbitrators.

2. If any person is so appointed to act as conciliator, he shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavor to bring about a settlement of the difference, and shall report his proceedings to the minister.

3. If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the minister.

5. It shall be the duty of the conciliator to promote conditions favorable to a settlement by endeavoring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of differences to conciliation or arbitration before resorting to strikes or lockouts.

6. The conciliator or conciliation board may, when deemed advisable, invite others to assist them in the work of conciliation.

7. If, before a settlement is effected, and while the difference is under the consideration of a conciliator or conciliation board, such conciliator or conciliation board is of opinion that some misunderstanding or disagreement appears to exist between the parties as to the causes or circumstances of the difference, and, with a view to the removal of such misunderstanding or disagreement, desires an inquiry under oath into such causes and circumstances, and, in writing signed by such conciliator or the

members of the conciliation board, as the case may be, communicates to the minister such desire for inquiry, and if the parties to the difference or their representatives in writing consent thereto, then, on his recommendation, the governor in council may appoint such conciliator or members of the conciliation board, or some other person or persons, a commissioner or commissioners, as the case may be, under the provisions of the act respecting inquiries concerning public matters, to conduct such inquiry, and, for that purpose, may confer upon him or them the powers which, under the said act, may be conferred upon commissioners.

8. Proceedings before any conciliation or arbitration board, as the case may be, or as is agreed upon by the parties to the difference or dispute.

9. If it appears to the minister that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, he may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with the employers and employed, and, if he thinks fit, with any local authority or body, as to the expediency of establishing a conciliation board for such district or trade.

ONTARIO.

There is in Ontario an act of 1873 providing for the settling of industrial disputes by councils of conciliation or arbitration, which the royal commission of labor, 1889, reported to have proved ineffective because it provided that nothing in the act should authorize the boards to establish a rate of wages or price of labor. Accordingly the law was amended in 1890 so as to permit the parties to a dispute to agree that the board should have such power. (Revised Statutes, Ontario, 1897, chap. 158.) The act mentions eight classes of claims or disputes to which this provision applies:

1. The price to be paid for work done, or in the course of being done, whether such disagreement shall have arisen with respect to wages or to the hours or times of working.

2. Damage alleged to have been done to work, delay in finishing the same, not finishing the same in a good and workmanlike manner or according to agreement, or a dispute respecting materials supplied to employees and alleged to be bad, or unfit, or unsuitable.

3. The price to be paid for mining any mineral or substance mined or obtained by mining, hewing, quarrying, or other process, or the allowances, if any, to be made for bands, refuse, faults, or other causes whereby the mining of the mineral substance is impeded.

4. The performance or nonperformance of any stipulation or matter alleged to have been in an agreement, whether in writing or not.

5. Insufficient or unwholesome food supplied to employees where there is an agreement to victual them, or to supply them with provisions or stores of any kind.

6. Ill-ventilated or dangerous workings or places in mines, or unwholesome or insanitary rooms or other places of accommodation, in which work is being performed, or want of necessary conveniences in connection with such rooms or places.

7. The dismissal or employment under agreement of any employee or number of employees.

8. The dismissal of an employee or employees for their connection with any trade or labor organization.

No claim or dispute can be the subject of conciliation or arbitration under this act unless at least 10 employees are affected. The councils of conciliation consist of 4 members, 2 nominated by party. It does not appear that the law has ever been put in operation and it is practically superseded by the general act for the Dominion of Canada referred to above.

CHAPTER XII.

PROFIT SHARING, STATE AID, PUBLIC EMPLOYMENT BUREAUS, ETC.

ART. A.—COOPERATION AND PROFIT SHARING.

SEC. I. COOPERATIVE ASSOCIATIONS.

Cooperative industry is far more usual and successful in France and Germany than in England or the United States, but there does not appear to be any general legislation upon the subject. In many cases such institutions can be incorporated under the law of foreign countries in the usual way. In many cases they have special charters. It has been the policy of European States to give all possible freedom to those desiring to inaugurate cooperative industries.

The best recent account of the present condition of cooperative institutions in other countries will be found in Mr. Gilman's book, A Dividend to Labor (Boston, 1899), and particularly in the history of Cooperative Production, of Benjamin Jones (Oxford, 1894). Mr. Gilman's book gives in an appendix a list of profit-sharing firms or corporations, from which it appears that there were more than 100 such in France, besides the 27 cooperative distributive stores which give a bonus to labor; 33 such firms or corporations in Germany; 3 in Switzerland; 4 in Austria-Hungary; 4 in Belgium; 6 in Holland; 4 in Italy; 3 in Norway and Sweden; 1 factory in Russia, besides the Russian railways which have a system of collective wages; 2 in Spain, and 1 in Portugal. The methods of cooperation or profit sharing are of 5 different natures: Cash payment; investment in some kind of provident fund; indefinite percentage; deferred payment, and a collective bonus. The nature of the industries ranges from mutual insurance and savings banks, through all industrial operations, printing, publishing, champagne making, and breweries, to foundries and even mines; that is, the colliery of d'Aubigny is run upon socialistic principles. There is only 1 farm and 1 transportation company, and besides the champagne industry mentioned (Veuve Pommery) there is 1 Bordeaux vineyard (Chateau Montrose). The favorite cooperative industries appear to be printing and foundries. In Germany there are more farms in proportion; in Switzerland more textile manufactories. The Lake Leman Steam Navigation Company is cooperative. Some of these companies pay the same dividends on wages as to capital, some the same on savings as to capital. The Saxon linen industry is cooperative and pays the same dividends to labor as upon its stock. In others the cooperative feature consists merely in gratifications; that is, in extra wages. Nearly all the people's banks of Italy give their employees a

share in the profits, as do the Russian railways, by their system of collective wages. Many firms or corporations pay old-age pensions or receive deposits from their employees at a high rate of interest, which principles also generally appear among ordinary cooperative industries; such as the great printing house of Chaix in Paris, the Pleyel Piano Manufacturers, and others, but these can not be called strictly cooperative.

In Great Britain, according to Mr. Gilman, there were in 1899 about 110 cooperative productive establishments, among which it is interesting to note the Marquis of Hertford's 7 farms; Lord Brassey's 2 farms; the Crystal Palace District Gas Company of London; the Birmingham Dairy Company; Sampson, Low, Marston & Co., the publishers; the Women's Printing Society of London; Cassel & Co., the publishers; Blundell, Spence & Co., colors and paints; Arrowsmith, of Bristol, publishers; the farming establishment of Earl Grey and Lord Wantage; the engineering works of Ross & Duncan, of Glasgow, and Walker Sons & Co., engineering works, and the great establishment of Armstrong, Whitworth & Co., engineering and shipbuilding, at Tyne. In New Zealand there is established the farmers' cooperative association of Canterbury at Christchurch, who are wool and grain merchants, and deal in general merchandise. Nearly all these British cooperative enterprises simply pay an extra cash payment to their employees, though in some cases this cash is not paid directly, but is credited to the "Provident fund." In some cases it is partly invested in shares in the enterprise. The earliest cooperative establishment in England now existing, according to Mr. Gilman, is the draping firm of Jolly & Son, at Bath, established in 1865, and the woolen business of Fox Bros. & Co., in Somersetshire, from which it would appear that the pioneer experiment of all—the famous Rochdale spinners—has ceased to exist.

Mr. Gilman gives a list of only 19 cooperative establishments in the United States of America, most prominent among which are the Peace Dale Manufacturing Company, the great Rhode Island woolen manufactories; the Riverside Press at Cambridge; Rand, McNally & Co., of Chicago; the Century Company of New York; the Proctor-Gamble Company of Cincinnati; the Bourne Mills of Fall River, and the Pillsbury Flour Mills of Minneapolis. These establishments content themselves with paying a cash dividend. In the Riverside Press it is in the form of extra interest on savings; in Rand, McNally & Co., a stock dividend to the principal employees; in the Century Company, a dividend on part of the stock; while the Columbus, Ohio, Traction Company and Gas Company each pay the same dividend as to stockholders, calculated, it is presumed, upon the aggregate year's wages.

In 39 cases in the United States mentioned by Mr. Gilman, the system of profit sharing, once adopted, has been abandoned, though not always for the reason that the system itself proved a failure. The normal returns of capital at the present day are so small when taken into connection with the amount of capital an employee is likely to accumulate as to present little inducement in his eyes for the saving. For instance, in the skilled industries which we have been considering, $1,200 per year is not a large estimate of the average amount earned by employees in wages, but at 4 per cent, the normal return upon capital, it would take a capital of $30,000 to pay him this amount in dividends, a sum which he is not likely to save in a lifetime. Many of the intel-

ligent labor unionists believe that the common policy of living from hand to mouth, or at least spending and not investing the wages received, is a wise one. It is also urged that the tendency of investing such savings in the employer's business and of cooperative dividends is to give encouragement or make it possible for employers to lower wages, and such might seem to be the economic result. Subject to proper qualifications for the procuring of the necessary life insurance or insurance against old age, disability, or absence from employment, it is questionable whether this view is not, after all, the right one—that there is little inducement to the laborer to become a capitalist.

A penny spent is a penny had,
A penny saved is a penny lost.

ART. B.—LABOR BUREAUS.

SEC. 1. STATE LABOR BUREAUS OR COMMISSIONERS.

In *Great Britain* a special service for the accurate collection and publication of labor statistics was established in 1886, under the direction of an officer styled "labor correspondent," by the board of trade, and in 1893 the present labor department was created, under the board of trade, under the direction of a commissioner for labor.

France was the first European country to follow the example of the United States and create a bureau for the collection of statistics and information concerning labor. The law creating this office is dated July 20, 1891. It simply provides that a bureau of labor shall be created under the ministry of commerce and industry for the purpose of "collecting, coordinating, and publishing information concerning statistics of labor." The organization and detailed duties of the bureau were fixed by subsequent decrees. As originally constituted, its work was limited strictly to the collection of statistics in relation to labor. From time to time, however, other statistical work has been turned over to it, so that at the present time it publishes not only special reports on labor conditions, and a monthly bulletin, but the annual statistical abstract, the annual returns of births, deaths, marriages, etc., the annual report on trade associations, and the results of the periodical censuses. It has, in fact, become the central or general statistical bureau of France.

The "Council Superior du Travail" was reorganized by decree of September 1, 1899, to consist of 66 members—22 elected or named by employers (15 by the chambers of commerce, 7 by the "conseillers, prudhommes, patrons"), 22 by the workmen (15 by the trades unions, 7 by the prudhommes), and 3 senators, 5 deputies, 4 members chosen as experts by the minister of commerce, and 10 ex officio (the president of the Paris Chamber of Commerce, heads of State departments, etc.).

In *Belgium* the decree of November 12, 1894, created a bureau of labor for the collection of statistics—office du travail. In 1895 a separate department of industry was created, of which the office du travail was made a bureau.

Germany.—Efforts for the establishment of a bureau of labor statistics after the American model were made in Germany as far back as

1872. Unwilling to create a permanent bureau, the central government has, however, created by decree a commission to collect information in relation to labor. This commission (*Kommission für Arbeiterstatistik*) was definitely organized April 1, 1892. It is composed of a president appointed by the chancellor of the Empire, 6 members chosen by the Bundesrat, 7 by the Reichstag, and 1 by the chancellor from among the statistical officers of the Empire.

The work of the commission is declared to be to give its advice, on the request of the Bundesrat or chancellor, concerning proposed statistical works and their execution and results, and to submit to the chancellor propositions for the carrying out of such inquiries. It will be seen from this description of the character of the commission that it may be said to occupy a medium position between industrial commissions and labor bureaus.

In *Switzerland* the secretariat ouvrier suisse at Bern, an adjunct of the federation of the labor organization, is subsidized by the Government and makes certain reports in the nature of those made by labor bureaus in other countries.

Austria is the most recent European nation to create an official bureau for the collection of statistics of labor. Such an office was created by an order of the Emperor dated July 21, 1898, and was placed under the ministry of commerce.

The purpose of this bureau, as set forth in the resolution, is to make investigations and reports concerning the "condition of the laboring classes, especially those in manufactures and trade, mining, agriculture, and forestry, and commerce and transportation, and, further, concerning the working of institutions and laws for the advancement of the welfare of the workingmen, and also concerning the extent and conditions of production in the industries which have been named."

In the prosecution of its work the bureau is directed to seek the cooperation of the State and communal authorities, the chambers of commerce and industry, and the workingmen's accident-insurance institutions, and these bodies are directed to render all necessary assistance to the labor bureau in its work.

An important feature of the system created by this resolution is that providing for the creation of a permanent labor council, the duty of which is to act as an advisory body to the labor bureau, and especially to promote harmonious relations between the bureau and the manufacturers or other persons with whom the former comes in contact in the prosecution of its work. This council consists of 32 members, of whom 8 represent the labor bureau and other offices of the Government and 24 are persons appointed for a term of 3 years by the minister of commerce. Of these 24 one-third must be employers of labor, one-third workingmen, and one-third persons whose technical knowledge makes their cooperation in the work of the council desirable. These members receive no salary, but those living outside of Vienna are paid a per diem of 8 gulden ($3.25) while in attendance at the council, in addition to traveling expenses, and the workingmen members resident in Vienna receive an allowance of 5 gulden ($2.03) per day's attendance.

This council was constituted on September 25, and the bureau of labor commenced operations October 1, 1898. The bureau issues a monthly bulletin in addition to regular reports.

In *New Zealand* there is in the Government a department of labor, and in June, 1891, there was created under it a bureau of industries, with duties similar to the bureaus of labor statistics provided for in many States of the Union. This department publishes an annual report giving the results of the working of the arbitration act, etc.

Canada.—The act of July 18, 1900, sections 10 to 12, makes provision for a department of labor, having the usual duties of collecting statistics, issuing reports, etc. A monthly bulletin, under the title of Labor Gazette, is published by this department.

Ontario.—In 1900 an act was passed creating a bureau of labor, with the sole function of publishing statistics.

Austria.—The decree of May 23, 1899, creates an imperial labor council, consisting of the director of the bureau of labor statistics, his assistant, and of 1 representative each of the ministers of the interior, of justice, finance, agriculture, railroads, and commerce, the president of the council of hygiene, and 30 members named by the minister of commerce.

New South Wales.—The Government labor bureau, organized in 1892, belongs to the department of labor and industry, created in 1895. It is not a statistical office, but confines its work chiefly to the assisting of the unemployed, besides having charge of the factory laws, etc.

SEC. 2. EMPLOYMENT OFFICES (STATE).

Public employment offices in the cities or communes are extremely common in continental countries, but there is no general legislation upon this subject.

SEC. 3. STATE INSURANCE FOR THE UNEMPLOYED.

Switzerland is apparently the only country in which serious efforts have been made to lessen the evils of lack of employment through the creation of special State insurance institutions. These experiments relate to, first, the voluntary insurance institutions against lack of employment organized by the town of Bern; second, the obligatory insurance institution against lack of employment created by the town of St. Gall, and, third, the various propositions to introduce similar institutions in Basel, Zurich, and Lucerne, and the official investigation of the question of idleness now being conducted by the Federal authorities of Switzerland.

The first attempt to provide for insurance against idleness under Government auspices was made by the town of Bern in April, 1893. It provided for the creation of an institution, membership in which was to be purely voluntary. Each member was required to pay monthly dues of 40 centimes ($0.077). To the fund thus accumulated the town agreed to add a subsidy, the maximum amount of which was limited to 5,000 francs ($965) a year. The constitution also provided for the receipt of gifts from employers and other individuals. The value of the out-of-work benefits was fixed at 1 franc ($0.193) for unmarried and 1.50 francs ($0.29) for married men per day. This relief would be granted only during the months of December, January, and February. Only members of 6 months' standing who had paid their dues regularly and had been unemployed at least 15 days are

entitled to benefits, and then not for the first week that they are without work. These members must also present themselves twice a day in a room set aside for that purpose, where they can spend the day if they desire, to respond to a roll call. This is in order to safeguard the institution against impositions. A workingman who refuses work of any kind loses all right to aid of any kind. The members thus do not have the right to refuse any work because it is not in their trade. There are also other cases in which the workingman loses his right to a benefit. Such, for instance, are the cases where he is unemployed as the result of his own fault, and especially when he has engaged in a strike.

The fund is administered by a commission of 7 members, of which 3 are named by the municipal authorities, 2 by the employers contributing to the fund, and 2 by the workingmen.

This institution has now been in existence a sufficient length of time to furnish some indication of the character of the results. The number of members during the first year, 1893–94, was 404. Of these 166 were aided during the year. There were paid to them $1,319.16, or an average of $7.95 each. The highest sum paid to any one person was $20.27. The total expenditure of the year was $1,508.30. Receipts for the year consisted of $212.30, dues of members; $382.14, gifts from employers and others, and $913.86, municipal subsidy.

It will be seen that the members contributed but 14 per cent of the total receipts and that they received in actual benefits 6 times the amount paid in by them as dues. One would think that under such exceptionally favorable circumstances membership would increase rapidly. Such, however, has not been the case. During the second year, 1894–95, there were but 390 members, or 14 less than the preceding year. Two hundred and nineteen persons, or more than half the members, were aided. They received $1,869.06, or an average of $8.53 each. But $263.79 out of a total receipt of $2,249.86 were from members' dues. The ratio of this sum to the amount paid out in benefits is 14 per cent, the members thus receiving on an average 7 times the amount contributed by them.

This institution had been founded for but 2 years as an experiment. In 1895, the 2 years having elapsed, the town council determined by an almost unanimous vote to continue it in operation. Some modifications, however, were introduced in its organization. Dues were raised from 40 to 50 centimes ($0.077 to $0.096½) per month, and the maximum amount of the municipal subsidy was raised from $965 to $1,351. Daily benefits were also increased from 1 to 1.50 francs ($0.193 to $0.29) for single and from 1.50 to 2 francs ($0.29 to $0.386) for married members. In addition, the municipal employment bureau, which had until then been an independent service, was attached to the work of the insurance fund.

The result of these changes was to increase the operations of the fund. On December 31, 1895, there were 605 members enrolled, of whom 169, or 49 more than during the preceding year at the same date, had been aided. The total receipts during the year 1895–96 were $2,213.99, of which $312.70 were derived from dues. Total expenditures were $2,121.30, of which $1,932.22 were for benefits. In this third year, therefore, slightly over 6 times the amount received as dues from the members was paid in benefits.

St. Gallen, a town of about 30,000 inhabitants, was the first to follow the example of Bern and provide for the insurance of workingmen against idleness. Its policy, however, differed radically from that of Bern in that it adopted the policy of compulsory insurance. Its institution was created June 23, 1895. After an existence of about a year and a half, its suppression, after June 30, 1897, was voted by a majority of the electors of the town November 8, 1896. The reasons for its abolishment were that the system of compulsion worked badly. It was difficult to compel the workingmen to become members; injustice was done by putting workingmen in industries in which the likelihood of lack of employment was slight on the same footing as those in industries, such as the building trades, where interruptions to work were of almost certain occurrence. Finally, it was claimed that the efforts of those out of work to obtain employment were lessened.

At Basel, though no scheme of insurance has as yet been put into operation, a proposition for the compulsory insurance of workingmen against lack of employment through a municipal institution has been elaborated, in which the attempt has been made to meet the objections that were urged against the St. Gallen experiment. The question of insurance against lack of employment has also received attention in other Swiss cities, notably Zurich and Lucerne, but no actual steps in this direction have as yet been taken. The Federal Government is now prosecuting an investigation of the whole subject of lack of employment and the means of preventing or lessening the evils resulting from it. The complete report of this investigation has not yet been made. (U. S. Labor Bulletin, vol. 2, pp. 169–172.)

ART. C.—STATE INSURANCE.

SEC. 1. COMPULSORY STATE ASSURANCE AGAINST OLD AGE, DISABILITY, ETC.

In the introduction to the report to Parliament by the board of trade on the subject of "Provision for old age by Government action in certain European countries," Mr. Llewellyn Smith, of that department, says that of the 11 countries which have gone into the subject in their legislation only 2, Germany and Denmark, can be said to have adopted a general system of pension or relief in old age. This, however, was before the law just enacted in France, and I think before the latest statute in Italy. Under the German law (more fully discussed below) there is a general system of compulsory insurance against old age and invalidity, and in the year 1897 over 400,000 pensioners drew pensions, amounting to not less than £2,750,531, of which £1,079,823 was provided by the State. Of the above amounts about half was expended on old age and half on invalidity pensions. In Denmark the system adopted is very different, providing for a special form of old age or relief to necessitous persons of good character. There are no direct contributions by the recipient, and the amount of the pension is not fixed by law, though it must be sufficient for the needs of the applicant and his family, though receipt of this relief does not impose electoral disabilities. In 1896, 36,246 persons, with 14,223 dependents, were receiving pensions in Denmark under this

law to the amount of £216,317, of which, roughly, half was paid by the State and half by the communes. Mr. Llewellyn Smith follows this introduction with a detailed account of the old-age pension system of the following States, in so far as they have any system: Russia, Norway and Sweden, Denmark, Ireland, Germany, Holland, Belgium, France, Italy, Austria, and Roumania.

The following account of the German law is, however, based directly on the law itself as printed in the French translation, which appeared in the Belgian Labor Annual for 1899:

GERMANY.

As is well known the most momentous innovation in legislation affecting the well-being of the laboring classes that has been made in modern times is the assurance against disabilities law of the German Empire, passed June 22, 1889, and substantially amended July 13, 1899. This law comprises 194 sections, and fills about 150 printed pages. Its whole theory, being based on paternalism, not to say State socialism, is entirely foreign to American theories of government as well as legislation. Nevertheless, a law of such immense importance should be mentioned in this report, particularly as there is already English legislation tending in the same direction, and it is possible that the movement may extend to this country.

In brief, the law establishes a system of compulsory assurance against old age, illness, and disability, but with the State itself for insurance company, and the State itself or its functionaries charged with the receipt and management of funds, which are derived one-half from premiums paid by or withheld from wages of the persons insured, the other half being met directly by the State itself.

The law applies to the following classes of persons: (1) All persons, male and female, employed under salary or wages as workmen, aids, journeymen, apprentices, or servants; (2) all industrial workmen, including submasters, mechanics, skilled labor of all kinds, clerks, porters, and assistants (with the single exception of assistants or apprentices in drug stores), and also all other persons whose occupation consists principally in the service of others, such as instructors or preceptors, so long as such persons do not receive an annual salary in excess of 2,000 marks (about $500); (3) the law also applies to all persons serving on seagoing vessels or ships for wages or salary, and also to persons employed in the internal navigation of the country, including all captains or masters whose salary or normal wages does not exceed 2,000 marks per year, and by the decree of the Federal Council the first class may be extended so as to include all heads of an industrial enterprise who do not employ regularly at least one salaried workman under their orders; and also, without regard to the number of workmen employed, to all mechanics, or wage earners working at home upon the order and for the account of other persons (sweat-shop labor), even when they themselves furnish their own materials and even for the time during which they may temporarily work for their own account. The Federal Council may also decree that the employers of such sweat-shop labor, etc., shall have the same obligation to see to the insurance of their help; that is, it may impose fines upon the heads of factories, etc.

So much for the persons to whom the law applies. It will be seen to be roughly all wage-earners, domestic servants, and small shopkeepers or mechanics who work for their own account, but employ on an average as much as 1 person throughout the year, and to the professional or "personal service" class, and mariners who do not normally earn above $500 per annum.

The Federal Council has authority to determine how far the temporary occupation of such sort shall submit a person to the obligation of State insurance, and they have also authority to dispense a foreigner resident in Germany from complying with the obligations of this law, provided they have the intention of remaining, but usually the persons employing such foreigners are bound to pay a sum equal to their assessment into the State insurance bureau, presumably in order to avoid discrimination against German citizens. Officeholders and employees of the Government, as well as professors and instructors in state or public schools, are not required to insure themselves as long as they are only occupied in preparing themselves for the practice of their own profession, or when they have a right to a pension at least equal to what the invalidity pension would amount to. Under the "first-class" insurance law finally there is also dispensed from the obligations of insurance that class of persons whose capacity to work is reduced by reason of age, illness, or other infirmities permanently to less than one-third of the normal capability, that is, when they can not expect to gain more than one-third of what the same person normally would gain if well and of youthful age. There is also dispensed from the obligation to insure any person whose pensions, etc., or allowances equal the invalidity pension in the first class guaranteed either by the Empire or by any State of the Empire or by any local union insurance establishment or other authorized institutions of the sort. No one is obliged to insure beyond the age of 70, and no one is bound to insure who does not work in the employment in a required insurance class for more than 12 weeks or 50 days in each year.

There is also a complicated system by which persons in public employment may satisfy the insurance obligation by paying assessments to a local institution benefit society, etc., specially authorized under the name of "Caisses spéciales." It seems unnecessary to confuse the subject by going into these exceptional cases, though it may be noticed that under State regulations not only are such local institutions but trade unions, or what we should call trade benefit societies, recognized as corresponding to the duty of the State insurance, not, however, insuring to the full extent, that is, a larger assessment is usually required in such cases than when insurance is taken direct from the State. Finally, certain persons may voluntarily take the benefit of the State insurance provided they have not arrived at the age of 40, to wit: Employees, submasters, technicians, clerks, and others whose occupation in the service of others constitutes their principal profession, provided they do not receive a normal salary above 3,000 marks ($750), and the same privilege is given to persons falling under the exceptions noticed above in the insurance law itself.

THE OBJECT OF THE ASSURANCE.

The object of this assurance is to pension in case of age or in case of incapacity to work. There is also a system of accident insurance,

entitling the person injured to temporary benefits, but for this a different machinery is provided. Each person has a right to an allowance for inability without reference to his age who is afflicted with a permanent incapacity for work in the sense that he or she can not, in his trade, gain one-third of what he could normally gain if well in mind and body, as shown by what is paid to persons in the same trade and the same locality. Incapacity resulting from an accident does not, however, give right to an allowance for inability except when such latter allowance exceeds the amount of weekly payment made under the accident insurance mentioned later. Everyone has a right to an old age pension who is above the age of 70 years, whether able to work or not. Insured persons who can not be said to be permanently disabled and who for 26 consecutive weeks were unable to work have the right to an invalidity pension for all the remaining period of such inability. All insurance is forfeited if the incapacity to work was intentionally caused or by committing a crime, except that in the latter case the allowance may be assigned in whole or in part to the family of the delinquent. If an insured person is attacked by an illness likely to result in an inability to work of a kind entitling him to a pension under this law the State may insist upon his taking treatment in a hospital or upon other curative measures, but the consent of such ill person is necessary if he is married or has a family.

The funds for this immense system are provided, as has been said, one-half by the State and one-half by assessments upon the person insured, which must be paid weekly and must be withheld from his or her wages by the employer. No person who has not thus duly paid his assessments is entitled to an inability or old age pension—that is, such assessments must have been paid for a certain period, which is usually in order to entitle to the inability allowance 200 weeks' assessments, if 100 have been paid on behalf of this assurance, otherwise 500 weeks' assessments. To entitle any person to an old age pension he or she must have paid 1,200 weeks' assessments; with various other provisions. For persons voluntarily insuring themselves the assessments must only be paid for weeks during which the person is actually employed, but there is counted in the preparatory period, although no assessments are paid, all weeks during which the person was serving in the army or navy, or was prevented from work by duly certified illness. As has been said these assessments must be withheld by the employers from each weekly payment of wages, under heavy penalties, but independent of this the person paying them either directly or through his employer is furnished with stamps which, being affixed to his employment card or otherwise, becomes a permanent record of the weeks of assessments paid. It seems needless to point out the necessary elaboration of this machinery or continual ticketing and billeting of a person, the needless requirement of certificates from doctors, hospitals, army officers, etc., which would make the system quite insufferable to an American.

AMOUNT OF INSURANCE.

We now come to the amount of this enforced insurance, or first, more properly, to the amount of the assessments. These are to be fixed by the Federal Council every 10 years, and have in fact been fixed up to December 30, 1910. The assessments are calculated in such

manner as to meet the obligations of the insurance department both for old age and inability pensions by investing the assessments received at interest in what we would call public or municipal securities. In theory, of course, when the system has been established a generation or more it should be necessary to carry little invested capital. The assessments received in each year normally balance the allowances paid out.

All persons having state insurance are divided into five classes, determined by the average or normal salary or wages received in each class, as follows:

The *first* class, up to 350 marks ($87.50) annual wages or salary; the *second* class, from 350 to 550 marks ($112.50); *third* class, from 550 to 850 marks ($212.50); *fourth* class, from 850 to 1,150 marks ($287.50), and the *fifth* class, above 1,150 marks; that is, from 1,150 to 2,000 marks ($500). Above 2,000 marks and up to 3,000 marks ($750), as has been said, the insurance is optional.

It will be seen that on the German wage scale the ordinary American unskilled laborer receiving $150 a year or more would belong to the highest class to which compulsory state insurance is applied in Germany, and the same, it may be said, would be true of all adult factory operatives, at least in the North.

Now, until the new arrangement to be made in 1910, the weekly assessment is prescribed as follows: Class 1, 14 pfennigs; class 2, 20 pfennigs; class 3, 24 pfennigs; class 4, 30 pfennigs; class 5, 36 pfennigs. In each case, of course, the weekly payment is meant. The law is established on a basis of a week as a unit.

One hundred pfennigs make a mark. Assuming, therefore, a person to work 50 weeks a year, the first class will pay a premium of 7 marks per year ($1.75); the second class, 10 marks per year ($2.50); the third class, 12 marks per year ($3.00); the fourth class, 15 marks per year ($3.75); the fifth class, 18 marks per year ($4.50). It will be noticed that the assessment is, after all, very light. In the highest class, corresponding to the ordinary American wage, it amounts only to $4.50 per year, which, on the average, would perhaps purchase about $300 of life insurance in an ordinary company for a person of age subject to compulsory insurance in Germany, but it must be noticed that this insurance is not against death, but only against old age or inability. There are many other complicated provisions for the cases of persons who begin to insure above the age of 40 or who have paid voluntary insurance, etc.

AMOUNT OF PENSION.

By the law of 1889 the annual allowance for inability is a sum determined as follows: Fifty marks per year, an arbitrary sum paid directly by the German Empire, and 60 marks paid out of the insurance establishment, which latter sum is augmented for the different classes according to the number of weeks of assessments paid, respectively, by 2, 6, 9, 13 pfennigs. The result makes quite a complicated sum, which can only be shown by a table.

In the same way the pension for old age: Besides the imperial subsidy of 50 marks, a product by the number of weeks of assessment paid, respectively, to 4, 6, 8, 10 pfennigs. The whole calculation was made upon the basis of 1,410 weeks, which, it will be noticed, is 30

years of 47 weeks each, from which we infer that the German workman is expected to work about 47 weeks in a year. These provisions are somewhat modified by the present law, and it only seems necessary, therefore, to print the final table, which is as follows:

	Fixed allowance per workman.	Amount of increase per week of assessments.
	Marks.	*Pfennigs.*
Class I	60	8
Class II	70	6
Class III	80	8
Class IV	90	10
Class V	100	12

The old-age pension payable by the State insurance establishment is an arbitrary sum, without regard, apparently, to the period of assessments paid; that is, for class 1, 60 marks; class 2, 90 marks, and so on, increasing 30 marks for each class, until class 5 is in the receipt of 180 marks per annum, say $45 a year—not a very extravagant pension for a person who has been used all his life to wages of, say, $1.50 per day. We copy the following table from the law, as follows:

Ordinary assessments. (Half paid by the employer, half by the employee.)	Amount of annual invalidity pension, including imperial subsidy of 50 marks, and supposing that the assessments have been paid during a period of—				Amount of old-age pension per annum (1,200 weeks' assessments paid), including the imperial subsidy of 50 marks.
	200 weeks.	500 weeks.	1,000 weeks.	1,500 weeks.	
Pfennigs.	*Marks.*	*Marks.*	*Marks.*	*Marks*	*Marks.*
14	116	125	140	155	110
20	132	150	180	210	140
24	146	170	210	250	170
30	160	190	240	290	200
36	174	270	370	330	230

SPECIAL PROVISIONS.

There are curious provisions concerning the marriage of women who have paid insurance assessments. They may upon marriage insist upon reimbursement of one-half the assessments they have paid before marriage, provided such assessments amount to at least 200 weeks. It would appear from this that the average value of a husband is considered in Germany to be about one-half the expense of supporting his wife for a period of 200 weeks. The law must have a curious effect in postponing marriages, as it practically imposes a penalty upon any woman marrying before 4 years or so from the time when she began to pay to the state insurance money. So, in case of death, in some cases one-half the assessments actually paid may be recovered by the family. Section 44 provides that if a married person who has paid assessments for 200 weeks at least dies before entering into the receipt of any allowance of pension, his widow or legitimate children under 15 are entitled to be reimbursed by the state one-half of his assessments paid, and in the same way as to a woman,

her children under 15 are entitled if she die, having paid 200 weeks' assurance money, but only provided such children have no father living, and they are entitled to one-half of the assessments actually paid by her, and so also in case of a woman abandoned by her husband, but not apparently the children of any mother born out of wedlock, which seems an injustice in the law.

FORFEITURE OF RIGHT TO INSURANCE MONEY.

Necessarily, in any compulsory insurance law provision must be made for the forfeiture of the right to pensions or allowances in case the assessments are not paid. The German law provides (sec. 46) that such right shall cease if during any period of 2 years, as shown by the receipt card of the person insured, he or she either has been employed in an industry requiring compulsory insurance or has not voluntarily paid assessments under section 14. In either case if such condition has lasted for a total of 20 weeks the right to allowances or pensions only revives upon the person's returning to such occupation requiring assurance or voluntarily paying assessments, but apparently only after 200 weeks of such contribution.

The right to the allowance is furthermore suspended in certain cases, as when the person is receiving a pension of accident insurance when such pension exceeds 7½ times the amount of the disability pension. So, when the person entitled is imprisoned or out of the country.

Nothing in the state insurance law alters in any way the duty of the communes to support or aid the poor, old, infirm, etc., but in certain cases the commune receives the allowances to which such person is entitled under the state insurance law.

These allowances or pensions are not assignable nor attachable in any suit at law.

ORGANIZATION.

This whole business of state assurance is carried on as to disability insurance by a system which combines the administrative authorities of the state, the post-office department, the local assurance establishments, the arbitration tribunals, the imperial state assurance office, and the local state assurance offices. The inferior administrative authorities, that is, the governments of the communes, are also charged with the duty, in a general way, of receiving claims, procuring information, and, in a general way, passing first judgment upon them. There is, furthermore, a system of delegates, 4 to be elected or named by the employers, and 4 by the insured. Such 8 delegates form a board for each local administrative authority, which boards of delegates have various powers, but may not serve on the tribunals of arbitration nor be directors of the assurance establishments.

These latter are instituted by the governments of each State of the Empire, either for each communal union or for the territory of the Federal State or for parts of such territory, but common establishments may also be created for more than one Federal State. These assurance establishments have the right to sue and be sued, acquire property, etc. The "patrimony"—i. e., the invested capital or cash of each assurance establishment—is the guarantee fund for the creditors. The expenses of its first establishment have to be advanced by each Federal State. Each establishment is authorized to a certain extent to

make itself any laws, or what we should call by-laws, under certain limitations. It is carried on by a board of directors, and there are numerous details of organization for what we should call the pension offices, assessors, etc. The delegates referred to above must always be in equal number as between employers and employees. Only male German citizens of full age are eligible. Service upon these boards of delegates, etc., is gratuitous or commonly compulsory.

TRIBUNALS OF ARBITRATION.

One such tribunal, at least, must be established for the territory of each assurance establishment, composed of a president and a board of assessors.

STATE DEPARTMENT OF ASSURANCE.

All these assurance establishments are in general under the supervision of the imperial offices of assurance. These imperial offices of assurance have also certain judicial powers, and the local or State assurance offices are in some respects identical with the accident assurance establishments created under the laws of July 6, 1884, and May 5, 1886.

PROCEDURE.

Every demand for an allowance or a pension must be accompanied by the receipt cards, duly stamped, as hereinafter explained. There is a presumption that inability to work is caused by an accident and not so as to entitle the person to a disability pension under the law we are now considering. It may generally be said that the disability and old-age assurance law is inextricably intertwined with the provisions of the accident assurance laws referred to above, though, as a rule, when one applies the other does not. The funds received from assessments are divided by the offices of accounts between the Empire, the general assurance establishments, and the particular assets of each local establishment, but it is quite impossible to go into the question of the Government accounts more in detail. As has been said, each person assured is furnished with a receipt card, and the evidence of each payment is made by an adhesive stamp pasted thereon, and at any time he may exchange his card for a new one corresponding to the old one when worn out, etc. The assessments have to be paid by the employers in most cases, and he affixes the stamps to the card himself. The persons assured have the right to pay the assessments if they wish, and of course do so in the case of voluntary assurance.

INVESTMENT OF FUNDS.

The assets of the assurance establishments must be invested according to sections 1807 and 1808 of the Civil Code; that is, in a general way they may be invested as guardians are allowed to invest the funds of wards.

Under the head of "Transitory dispositions" are several sections relating to the case where the person assured begins his assurance after attaining the age of 40, and sections 175 to 188, inclusive, provide in much detail for the penalties on employers, employees, and other persons who fail to abide by the law or act in defiance of it.

It will be seen that this entire system is a marvel of ingenuity. It is far more complicated than the accident-insurance system, which was

established about five years before, and therefore it hardly seems worth while to give the accident-assurance system law in its details.

The decree of the Federal Council of December 24, 1899, provides for the exemption of certain persons from the compulsory-assurance law, as, for instance, such persons as derive their principal support from the exercise of an industry not subject to the compulsory-assurance law, provided that 100 weekly assessments have not been or should not have been paid by such person. This exemption is shown by special stamps, to be affixed to the receipt cards referred to above.

The decree of December 27, 1899, provides that the temporary occupation of persons in an industry ordinarily subject to State assurance does not make such assurance necessary when such employment is only occasional or accessory to the particular industry of the firm. These temporary services are described in much detail.

FRANCE.

The law of April 9, 1898, establishes a system of compulsory accident insurance for workmen employed in factories, workshops, foundries, building operations, transportation by land or water, loading or unloading, public stores, mines and quarries, and also for all industries in the course of which explosive matters are used or machinery employing or directed by a power other than that of men or animals. Each employee a victim of an accident, or his representatives, is entitled to an indemnity at the charge of the head of the enterprise, provided the absence from work has exceeded 4 days; but workmen who ordinarily work alone are not subject to this law by reason of the accidental collaboration of one or more of their fellow employees at the time of the accident. All other liability is done away with than that established by the present law. Those whose annual salary exceeds 2,400 francs are only entitled to indemnity up to a proportionate amount for such sum; for the surplus of their salary they are entitled to one-fourth of the allowance or indemnity stipulated. The amount of the indemnity is as follows: For absolute and permanent disability a pension equal to two-thirds of the annual salary; for partial and permanent disability a pension equal to one-half of the reduction that the accident has caused in the salary received; for temporary disability a total indemnity equal to one-half of the salary or wages received at the moment of the accident, starting with the fifth day after.

If the accident is followed by death the representatives of the deceased person are entitled to indemnity as follows: (*a*) The widow not divorced or separated, if the marriage was contracted before the accident, is entitled to a life pension equal to 20 per cent of the husband's salary, and in case of remarriage this pension ceases, but the widow receives as a final indemnity three times the amount of such annual rent; (*b*) legitimate or illegitimate children if recognized before the accident, who are orphans of father or mother, and age less than 16, receive 15 per cent of the salary of the victim at the time of the accident if 1 child, 25 per cent if 2 children, 35 per cent if 3 children, 40 per cent if 4 children or a greater number. If the children are orphans both of father and mother, each one of them receives a pension equal to 20 per cent of the salary of the parent deceased by reason of the accident, but the total of such pensions may not in the first case exceed 40 per cent or in the second case 60 per cent of the salary received; (*c*) if the victim

has neither wife nor child, the parents or grandchildren supported by him or her receive a life pension for parents or ancestors, and a pension up to the age of 16 for grandchildren. This pension is equal to 10 per cent of the salary of the person deceased, but the total of pensions allowed under this paragraph may not exceed 30 per cent, suffering proportionate reduction when necessary—that is, pensions are paid quarterly and are not alienable nor attachable. There are special provisions for the pensions payable to the representatives of a foreign employee who did not at the moment of the accident reside upon French territory. Besides all this, the chief of the enterprise must bear the expense of medical attendance, drugs, and funeral expenses; these latter not to exceed 100 francs. They may further discharge themselves from these latter obligations if they prove that they have had their workmen join societies of mutual help or benefit to pay their assessments therefor, provided that such societies guarantee medical expenses and a daily relief payment. If any such payment is inferior to the amount required by the law the head of the enterprise must make up the difference. Mining companies and the heads of mining or quarrying enterprises can not relieve themselves from the obligations to pay these latter expenses and indemnities if they have paid the annual assessment to the mutual aid societies under the law of June 29, 1894. Besides these indemnities, however, the victim of the accident or his representatives retains the right of suit against the persons who have caused the accident, other than the chief of the enterprise or his employees, and such action may be brought by the head of the industry at his own expense. The annual salary referred to above is ordinarily calculated upon the amount received by the person injured 12 months before the accident. There are elaborate provisions for the inquisition into the cause of the accident, and in case the head of the industry does not make the payments required by this law the Government is liable, a special annual fund being created for this purpose. There is also a system or regulation of accident insurance companies in accordance with the law. Contracts in derogation of the law are, of course, void.

These laws were supplemented by the decree of February 25, 1899, providing further methods of procedure for the recovery of the indemnity by the person injured, with recourse to the national fund in case of nonpayment, and providing further for the recoupment to the national fund of the money due from the employer at fault. Title 3 provides for the organization of guarantee funds.

MARINE ACCIDENT INSURANCE.

The law of April 21, 1898, establishes a similar system of insurance against death or accident for masters of ships or mariners, and the decree of December 20, 1898, provides for the execution of the law creating an annual fund to guarantee such payments.

MUTUAL ACCIDENT INSURANCE COMPANIES.

This legislation was followed by the decree of February 28, 1899, providing for guarantee funds by accident insurance companies doing business under the law and for their control by the Government. Another decree of the same date provides for the recovery of a certain proportion of his deposits from the national insurance fund by

a manufacturer who goes out of business. By the law of July 11, 1868, a national fund was established to furnish pensions to workmen rendered by accident entirely incapable of labor. The decree of the 24th of May, 1899, regulates the operations of this national fund under the new law. This is followed by the decree of the 26th of May, 1899, which establishes a detailed tariff to the amount of premiums payable for each 100 francs of wages to insure against the risks covered by the law of April 9, 1898. These premiums vary widely, according to the industries, which are divided into 16 particular classes of several subdivisions each, and vary from 2 francs per 100 francs down to less than one-fourth of a franc per 100 francs. The table is extremely interesting, and may be found in the Belgian Annual of Labor Legislation, third year, pages 261 to 269.

The decree of June 29, 1899, provides that old accident policies taken out under the old law and for industries covered by the law of April 9, 1898, may be canceled by either the insurer or insured at any time within 1 year from the promulgation of the present law. Various other French decrees were enacted in 1899 concerning accidents in special industries, such as those caused by agricultural motors, providing for the procedure in such cases, and the decree of the 18th of August, 1899, provides in detail for the declarations, as we should say, or the procedure in case of accident, establishes forms and notices, method of proof, etc.

AUSTRIA.

A system of state insurance was established by the law of December 28, 1899, considerably amended by the decree of the minister of the interior on the 23d of August, 1899. As in France, the industries are divided into many classes, but under a different system. The risks are divided into 12 sorts, and the premium varies according to the risk, and all industries fall into one or the other of these 12 classes. This table for Austria will be found in volume 3 of the Belgian Annual of Labor Legislation, pages 181 to 216. Industries are divided into 15 classes, and in many respects the classification is similar to that of the French law.

ITALY.

Italy also has a system of state insurance against old age and disability. (See the law of June 18, 1899.) The general tenor of this law may be understood from the following titles. It seems unnecessary to state the laws of every country in detail, having so fully set forth the German and French laws which were parent to them all. The titles of the Italian law are as follows:

Title I. Constitution, seat, and membership of the Caisse Nationale. (National fund or treasury).

Title II. Administration of the Caisse Nationale.

Title III. Secondary branches.

Title IV. Individual accounts.

Title V. Investment of funds of the Caisse Nationale.

Title VI. The director-general and organic regulation of the Caisse Nationale.

Title VII. Annual balance sheet and technical balance sheets.

Title VIII. Revision of statutes and regulations concerning the Caisse Nationale.

The law of the 18th of June, 1899, follows, entitled "The technical regulation of the Caisse for insurance against old age and disability of workmen."

Chapter I. Subscription of the workmen and payment of assessments.

Chapter II. Of the formation of individual accounts.

Chapter III. Liquidation of individual accounts and payment of life pensions.

Chapter IV. Divers regulations.

The principal Italian law was, however, that of the 17th of March, 1898, which, in the same way, we may digest as follows. This law applies to accident insurance. Before its passage damages occurring by accidents were regulated by articles 1151 and following to 1644 of the Civil Code, which are equivalent to articles 1382 and following of the Code of Napoleon. Projects to supplement these provisions of the act by the State, which should make it more possible for an employee to prove his case and get damages, began as early as 1879 and finally resulted in the law of 1898, the titles of which are as follows:

I. Limits of application of the present law.

II. Preventive regulations.

III. Insurance.

In a general way this may be said to be compulsory upon the employers of all workmen in factories or workshops, and the amount of the indemnity in case of permanent disability is 5 times the annual salary, but not less in any case than 3,000 francs; in case of partial disability, 5 times the fraction of the salary reduced by the accident; in case of temporary disability, a daily allowance equal to one-half the salary. In case of death, 5 times the annual salary. It will be seen that the provisions resemble those of the French law, but space does not allow further details. The law of July 17, 1898, follows, which first established the Caisse Nationale for insurance against disability and old age, which was amended by the law of 1899 mentioned above. The funds of the Caisse Nationale are made up as in Germany, partly by the State directly and partly by special taxation upon banks, etc., but mainly by contributions of the employees themselves.

The royal decree of September 25, 1898, establishes regulations for the execution in detail of the accident-insurance law of March 17, of the same year. Title III of this decree provides for private establishments (the Caisses) and syndicates of mutual insurance.

Title V regulates the Caisse Nationale for accident insurance. Title VI regulates private accident insurance companies, or what we should call mutual-benefit societies. Title VII regulates the procedure in case of claims for accident. Title VIII the liquidation and payment of indemnities. Under this title a detailed schedule is established for the percentage of title claim liable for the loss of various members, ranging from 80 per cent for loss of a right arm down to 5 per cent for the loss of 1 toe.

The royal decree of August 30, 1898, provides in more detail for the assessments payable. The Caisse Nationale of insurance admits 3 kinds of insurance—individual, simple collective, and combined collective; in other words, for mutual-insurance societies. This law, with special regulations for sailors, establishes a long series of tariffs for individual insurance varying according to the trade or industry. These tables are of the greatest interest, and will be found in the Belgian Labor Annual, 2d year, pages 314–334.

NORWAY.

Norway also has a State accident-insurance system established by the law of July 23, 1894, and amended December 23, 1899. The royal decree of December 30, 1899, has a classification of risks resembling that of France and Austria, dividing trades and employments into 16 categories, and the rates of assessments varying from 4 per thousand for the fourth class of risks, up to 36 per thousand of insurance in the sixteenth class of risks.

DENMARK.

Denmark also has established a system of State insurance against accidents by the law of the 7th of Janunry, 1898.

SEC. 2. OLD-AGE PENSIONS.

The subject of old-age pensions is, of course, closely connected with that of State assurance against disability, etc. The New Zealand law of November 1, 1898, entitled "An act to provide for old-age pensions," establishes a system under which every person, aged 65, resident in the colony, is entitled to a pension, provided such person has resided 35 years in the colony preceding the date of application. Exception is made for occasional absences and the absences necessary to the mariner's profession. It is also a condition that such person shall not for a period of 12 years preceding the application for a pension have suffered imprisonment for 4 months or 4 times for a fault punishable with 12 years' imprisonment or for any infamous offense, and also that such person have not for 25 years preceding suffered imprisonment 5 years with or without hard labor for an infamous crime. It is also a condition that the petitioner, if a married man, have not abandoned his wife for a period of six months or more, and have neglected to provide for her needs without just cause or for the needs of his children under 14; and if the petitioner is a woman, if she have not abandoned her husband and children for the 14 years preceding; also that the petitioner be of good moral conduct and have led for 5 years preceding a sober and respectable life; also that he or she be not in the enjoyment of an income of £52, calculated in the manner after described; and also that he do not possess a net capital calculated as hereafter described of the value of £270; and finally, that he or she have not directly or indirectly disposed of his or her property or revenue in order to satisfy the conditions requisite for the old-age pension.

The amount of the pension is £18 per year, but this sum is reduced £1 for each pound of income that the pensioner enjoys above £34 per annum; and also the amount of the pension is reduced £1 for each £15 in net capital possessed by the pensioner. The net value of capital is calculated in this manner: All property, real or personal, is considered as accumulative capital in so far as the owner has title to it, legal or equitable, and deduction is made of all charges and obligations burdening such possessions and besides that of the sum of £50. The remainder is considered the actual net value of the capital of the person in question. By the word "income" is meant all money values, or profits obtained or received by anyone for his own use or benefit in each year by any means and from whatever sources, including personal wages, but not old-age pensions nor dues from benefit or funeral soci-

eties. Provision is made for a person who receives board or lodging, which is charged, an amount not exceeding £26 per year, as part of such person's income. There is elaborate machinery for the application and issue of the pensions, with examinations before magistrates, etc. Serious penalties are imposed for frauds or evasions of the law. Pensions are absolutely inalienable. The machinery of the law, payments, etc., is largely conducted through the post-office; finally, the entire expense of the law is the direct burden of the State; that is, it is met by the colonial treasurer out of appropriations voted by Parliament each year. This law does not apply to the aborigines, Chinese, or other foreigners, or even to naturalized subjects unless they have been naturalized 5 years before application.

This entire statute is so extraordinary that it seems impossible to give the details without printing the law in full and this does not seem advisable, as the law comprises 68 sections and is not legislation of a kind that seems likely for the present to be followed in the United States. The act itself will be found in New Zealand laws, 1898, chapter 14.

APPENDIX.

LETTER OF HERR H. DOVE REGARDING THE GERMAN LAW AS TO LABOR COMBINATIONS AND THE RIGHTS OF WORKINGMEN.

[Translation.]

BERLIN, *July 1, 1901.*

DEAR SIR: In answer to your communication addressed to th eimperial counselor, Dr. Meyer, and referred by him to me, I respectfully reply as follows:

Bills touching the points referred to in your inquiry have been repeatedly introduced in the German Parliament (1890 and 1899), but have not been enacted into law. The present law is as follows:

(1) According to § 153 of the imperial industrial code, persons are sentenced to imprisonment not exceeding 3 months who induce or attempt to induce others by means of force, threats, insults, or calumny to take part in agreements or associations for the purpose of securing more favorable wage or labor conditions, particularly by means of suspension of labor or discharge of laborers, or who by like means prevent or attempt to prevent others from withdrawing from such agreements. The acts above mentioned may also, according to the general penal code, be construed as crimes—for instance, a call to resist the laws or legal ordinances (§ 110); a breach against domestic or public peace (§ 123–127); instigation to class riots (§ 130); insult (§ 185–187); bodily injury (§ 243 fg. Str. G. B.); violence (§ 240); menace (§ 241); constraint (§ 243, Str. G. B.).

(2) As far as the acts specified under 1 are not committed, as, for instance, where the object is not the attainment of better labor conditions, there are no general penal provisions against boycotts.

(3) Strike pickets are not subject to legal punishment. In one instance the court was inclined to consider it a case of misdemeanor.

(4) In cases where pass books are required (in cases of minors, R. Gew. O. § 107 fg.) secret marks which are intended to characterize the holder of the pass book, favorably or unfavorably, or entries regarding his conduct or efficiency, are subject to a fine not exceeding ℳ2,000 or 6 months' imprisonment (§ 111, 146 Gew. O.).

There are no laws in Germany against trusts. The imperial court has recognized them from the standpoint of existing laws, provided no illegal means are used (violence, constraint).

A labor contract can not be enforced. It may give rise to a claim for damages, which, since the law requires 14 days' notice, is usually limited to the amount of wages for the period of failure to give such notice.

Most respectfully,

H. DOVE,
Syndic Merchants Guild, Berlin.

[Abbreviations: Str. G. B.=Straf-Gesetz-Buch=penal code; Gew. O.=Gewerbe-Ordnung=trade ordinance; fg.=folgend=etc.; R.=Reichs=imperial.]

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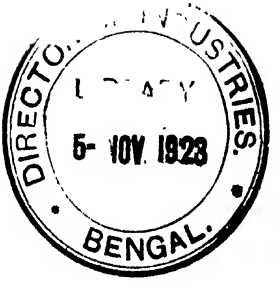
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